

THURSDAY, APRIL 23, 1992

EIGHTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Floyd Crain who also led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; due to illness.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 23, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar for Tuesday, April 28, 1992**: House Bill(s) No(s). 2298, 1159, 2244, 990, 278, 2458, 2460, 2066, 2192 and 2599; House Joint Resolution(s) No(s). 521, 522, 524 and 673; House Bill(s) No(s). 2289, 2603, 1014, 1867, 1862, 1449, 2719, 2039, 2667, 2019, 1744, 960, 1789, 2165, 2148, 2411 and 2515; House Joint Resolution(s) No(s). 596 and 597; also House Bill(s) No(s). 1672, 2314 and 1800.

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We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar for Thursday, April 23, 1992**: House Bill(s) No(s). 2586, 758, 2193, 341, 2364, 2387, 2388, 2386, 2506, 2834 and 2771; House Joint Resolution(s) No(s). 538, 128 and 651; also Senate Joint Resolution(s) No(s). 417, 370 and 445.

We further report that the following was/were considered and failed to pass: House Bill No. 2628.

We further recommend for transfer to the Judiciary Committee: House Bill No. 2566.

PHILLIPS, Chair.

CONSENT CALENDAR

House Bill No. 2456 -- Criminal Procedure -- Makes technical changes to forfeiture and boot camp statutes to bring in conformity with terminology of Criminal Sentencing Reform Act of 1989. Amends TCA 40-20-205, 40-33-101, 108.

On motion, House Bill No. 2456 was made to conform with Senate Bill No. 1821.

On motion, **Senate Bill No. 1821**, on same subject, was substituted for House Bill No. 2456.

House Bill No. 2455 -- Bail, Bail Bonds -- Clarifies list of offenses for which no bail is available pending appeal. Amends TCA 40-11-103, 40-26-102, 40-35-116.

On motion, House Bill No. 2455 was made to conform with Senate Bill No. 1822.

On motion, **Senate Bill No. 1822**, on same subject, was substituted for House Bill No. 2455.

***House Bill No. 2789 -- Marriage --** Authorizes judge of general sessions court in Humphreys County to perform marriages. Amends TCA 36-3-301.

***House Joint Resolution No. 0503 -- Highway Signs --** "General Marcus J. Wright Memorial Highway," U.S. 45 Bypass, McNairy County.

House Joint Resolution No. 0479 -- Memorials, Government Officials -- Directs state board of education to appoint student advisory council.

***House Joint Resolution No. 0665 -- Naming and Designating --** "Buffalo Soldier Day" in Tennessee, July 28, 1992.

***House Joint Resolution No. 0664 -- Memorials, Government Officials --** Urges governor to include funding in 1992-1993 budget for reconstruction of U.S. 79 West between Clarksville and Dover.

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***House Joint Resolution No. 0658** -- General Assembly, Studies -- Creates special joint committee to study emergency transportation of mentally ill persons.

***House Joint Resolution No. 0657** -- General Assembly, Studies -- Continues joint study committee created by HJR 149 to study problem of drunk driving.

House Bill No. 2393 -- Dentists -- Requires dentists and dental hygienists to complete minimum of 18 and maximum of 30 continuing education classes; adds to peer review committee authority to evaluate personal conduct relating to performance of professional duties. Amends TCA 63-5-107, 131.

On motion, House Bill No. 2393 was made to conform with Senate Bill No. 1978.

On motion, **Senate Bill No. 1978**, on same subject, was substituted for House Bill No. 2393.

House Bill No. 2173 -- Education -- Requires that at least two persons at each school be trained to perform CPR. Amends TCA, Title 49, Ch. 2, Pt. 1.

***House Resolution No. 0186** -- Memorials, Government Officials -- Urges Department of Transportation not to demolish Dement Bridge near Normandy.

***Senate Joint Resolution No. 0450** -- Naming and Designating -- "Victims Rights Week," April 25 - May 2, 1992.

***Senate Joint Resolution No. 0390** -- Highway Signs -- "Lakewood City Parkway," portion of SR 45.

House Bill No. 2290 -- Public Records -- Makes name and address under business tax records a public record. Amends TCA 67-4-722.

On motion, House Bill No. 2290 was made to conform with Senate Bill No. 1999.

On motion, **Senate Bill No. 1999**, on same subject, was substituted for House Bill No. 2290.

House Joint Resolution No. 0588 -- Naming and Designating -- "Earthquake Preparedness Week," November 8-14, 1992.

House Resolution No. 0197 -- Memorials, Recognition and Thanks -- Blountville, 200th Anniversary.

House Resolution No. 0198 -- Memorials, Public Service -- Human and Animal Partnership Programs for Everyone's Needs.

House Resolution No. 0199 -- Memorials, Interns -- Michael Scott Ballard.

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House Resolution No. 0200 -- Memorials, Public Service --
Kenneth L. Hannah, Sr.

House Resolution No. 0202 -- Memorials, Recognition and Thanks --
Memphis Chapter of Links.

House Resolution No. 0203 -- Memorials, Interns -- Brion Payne.

House Resolution No. 0204 -- Memorials, Interns -- James Gregory Waller.

House Resolution No. 0205 -- Memorials, Death -- Sanford T. Arrington of Jackson.

House Resolution No. 0206 -- Memorials, Sports -- Newport Grammar All-Star team.

House Resolution No. 0207 -- Memorials, Personal Occasion --
Reverend and Mrs. Willard L. Watson, 50th Wedding Anniversary.

House Joint Resolution No. 0682 -- Memorials, Sports -- Walter A. "Babe" Wood, recipient of Amateur Football Award. by *Hillis.

House Joint Resolution No. 0683 -- Memorials, Public Service --
Lt. Col. John R. Ward, USAF. by *Hillis.

House Joint Resolution No. 0684 -- Memorials, Interns -- Tamara Kaye George.

House Joint Resolution No. 0685 -- Memorials, Public Service --
Walter Hill School.

House Joint Resolution No. 0686 -- Memorials, Sports -- Walter Hill Elementary School boys' basketball team.

House Joint Resolution No. 0687 -- Memorials, Professional and
Business Achievement -- Penny Eilert, Principal of the Year.

House Joint Resolution No. 0688 -- Memorials, Recognition and
Thanks -- Ruby Dobbins.

House Joint Resolution No. 0689 -- Memorials, Professional and
Business Achievement -- Melissa Watson, "Outstanding Teacher of the Year".

House Joint Resolution No. 0691 -- Memorials, Personal
Achievement -- Michael Skivensen.

House Joint Resolution No. 0692 -- Memorials, Personal
Achievement -- Javier Ballesteros-Cherp, foreign exchange student.

House Joint Resolution No. 0693 -- Memorials, Congratulations --
Central North Church, Bartlett.

House Joint Resolution No. 0694 -- Memorials, Sports -- Memphis State University pompon squad.

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House Joint Resolution No. 0695 -- Memorials, Sports -- Coach Jack Armstrong.

House Joint Resolution No. 0696 -- Memorials, Congratulations -- Gallatin High School reunion class of 1957.

House Joint Resolution No. 0699 -- Memorials, Sports -- South Greene High School girls' basketball team.

House Joint Resolution No. 0701 -- Memorials, Sports -- North Greene High School boys' basketball team.

House Joint Resolution No. 0702 -- Memorials, Congratulations -- Cocke County High School chess team.

House Bill No. 2858 -- Graysville -- Amends and rewrites charter. Amends Chapter 41, Private Acts of 1917, as amended.

House Bill No. 2861 -- Gatlinburg -- Grants authority to increase fines to \$500. Amends Chapter 84, Private Acts of 1945, as amended.

House Bill No. 2862 -- Jackson -- Revises charter relative to municipal civil service commission; deletes provision relative to police, fire and general administrative departments. Amends Chapter 167, Private Acts of 1969, as amended.

***House Bill No. 2863** -- County Officers -- Abolishes office of constable in Jackson County. Amends TCA, Title 8, Ch. 10.

House Bill No. 2859 -- Johnson County -- Revises educational districts. Amends Chapter 183, Private Acts of 1949, as amended.

House Bill No. 2860 -- McNairy County -- Establishes school districts co-extensive with county legislative body districts. Repeals Chapter 83, Private Acts of 1943.

House Resolution No. 0201 -- Memorials, Interns -- Travis Joe Owens.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 664: by Rep. Chiles.

Under the rules, House Joint Resolution No. 664 was/were placed at the foot of the calendar for Tuesday, April 28, 1992.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be

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adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Wailey, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Joint Resolution No. 0331 -- Constitutional Amendments**
-- Proposes amendment to Art. XI, Sec. 5, relative to income taxation and lotteries.

Further consideration of Senate Joint Resolution No. 331, previously considered on April 20, 1992, at which time it was substituted for House Joint Resolution No. 547, read, and passed First Reading, and April 22, 1992, at which time it was read by the Clerk and passed Second Reading.

Rep. Chumney moved that Senate Joint Resolution No. 331 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***Senate Joint Resolution No. 0339 -- Constitutional Amendments**
-- Allows income taxation by the state, and by municipalities and counties, if authorized by the general assembly. Amends Art. II, Sec. 28; Art. XI, Sec. 9.

Further consideration of Senate Joint Resolution No. 339, previously considered on April 22, 1992, at which time it was read by the Clerk and passed First Reading.

Rep. Robinson (Davidson) moved that the resolution be read. Having been read by the Clerk, Mr. Speaker Naifeh declared that, pursuant to the Attorney General's opinion, Senate Joint Resolution No. 339 had passed Second Reading.

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***Senate Joint Resolution No. 0399** -- Constitutional Amendments -- Authorizes constitutional amendment to be on ballot for regular November election; requires simple majority to ratify.

Further consideration of Senate Joint Resolution No. 399, previously considered on April 22, 1992, at which time it was read by the Clerk and passed First Reading.

Rep. Kernell moved that the resolution be read. Having been read by the Clerk, Mr. Speaker Naifeh declared that, pursuant to the Attorney General's opinion, Senate Joint Resolution No. 399 had passed Second Reading.

House Bill No. 2288 -- Landlord and Tenant -- Expands application of Residential Landlord and Tenant Act to 14 largest counties instead of four largest counties. Amends TCA 66-28-102.

Further consideration of House Bill No. 2288, previously considered on April 6 and 13, 1992, at which time it was reset to the Calendar for April 23, 1992.

On motion, House Bill No. 2288 was made to conform with Senate Bill No. 2194.

On motion, **Senate Bill No. 2194**, on same subject, was substituted for House Bill No. 2288.

Rep. Dixon moved that **Senate Bill No. 2194** be passed on third and final consideration.

Rep. Allen moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2194 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 92,200 nor more than 92,500 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Hubbard moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2194 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not

apply in any county having a population of not less than 140,000 nor more than 145,000 according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Liles moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 2194 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
118,400
80,000

nor more than
118,700
83,000

On motion, Amendment No. 3 was adopted.

Rep. Callicott moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Anderson moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 2194 by adding at the end of Section 1 the following:

Tennessee Code Annotated, Section 68-28-102(a), is further amended by adding at the end of the subsection the following:

With the exception of any county having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100), according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 5 was adopted.

At the request of Rep. Coffey, Senate Bill No. 2194 was moved down 5 places.

House Bill No. 0979 -- Contractors -- Makes general contractors provisions applicable statewide. Amends TCA 62-6-102.

Further consideration of House Bill No. 979, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 23, 1992.

On motion, House Bill No. 979 was made to conform with Senate Bill No. 846.

On motion, **Senate Bill No. 846**, on same subject, was substituted for House Bill No. 979.

Rep. Kent moved that **Senate Bill No. 846** be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 846 by deleting the effective date section and by substituting instead the following:

SECTION 2. This act shall take effect on July 1, 1992, the public welfare requiring it.

AND FURTHER AMEND by deleting the new section added by Senate Amendment No. 2 which reads as follows:

SECTION _____. Tennessee Code Annotated, Section 62-6-102(1)(B), is amended by deleting subdivision (i) in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 846 by adding the following as a new section to precede the effective date section:

Section _____. The provisions of this act shall not apply to counties of the eighth class as provided in Section 8-24-101.

Rep. Shirley moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes.	31
Noes.	54
Present and not voting.	2

Representatives voting aye were: Allen, Callicott, Chiles, DeBerry, Duer, Haley, Hassell, Holcomb, Hubbard, Jackson, Jones R (Shelby), Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Pinion, Pruitt, Robinson (Washington), Shirley, Sipes, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Williams (Union), Wood -- 31.

Representatives voting no were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Ferguson, Fowlkes, Givens, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holt, Huskey, Johnson, Kent, Kernell, Kisber, Knight, Love, Napier, Odom, Peroulas Draper, Phillips, Purcell, Rhinehart, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Stamps, Tindell, Walley, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 54.

Representatives present and not voting were: McKee, Rinks -- 2.

On motion, Amendment No. 2 was adopted.

Rep. Nuber moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 846 by adding the following new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 62-6-102(1)(B)(i), is amended by adding a new item thereto, as follows:

() Twenty-five thousand dollars (\$25,000) or more of masonry work;

Rep. Rinks moved that Amendment No. 3 be tabled, which motion prevailed.

Rep. Davidson moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
21,575
37,000

nor more than
21,675
37,100

On motion, Amendment No. 4 was adopted.

Rep. Windle moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

14,650

17,250

17,600

nor more than

15,000

17,550

18,000

On motion, Amendment No. 5 was adopted.

Rep. Ferguson moved to amend as follows:

Amendment No. 6

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 47,000 nor more than 47,500 according to the 1990 federal census or any subsequent federal census.

Rep. Shirley moved that Amendment No. 6 be tabled, which motion failed.

At the request of Rep. Whitson, Senate Bill No. 846 was moved 10 places.

House Bill No. 2128 -- Health -- Creates select committee on health care of ten members, at least two from each finance and general welfare committee; provides duties relative to comprehensive plans and provisions so each Tennessean can obtain equal quality and affordable health care.

Further consideration of House Bill No. 2128, previously considered on April 20, 1992, at which time it was reset to the Calendar for April 23, 1992.

Rep. Jackson moved that House Bill No. 2128 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***Senate Joint Resolution No. 0368 -- Highway Signs --** "John S. Wilder Bridge," U.S. Highway 641.

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Further consideration of Senate Joint Resolution No. 368, previously considered on April 16 and 20, 1992, at which time it was reset to the Calendar for April 23, 1992.

Rep. Rinks moved that Senate Joint Resolution No. 368 be concurred in, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes.	88
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

***Senate Joint Resolution No. 0367 -- Highway Signs -- "L.H. 'Cotton' Ivy Highway," U.S. 641.**

Further consideration of Senate Joint Resolution No. 367, previously considered on April 16 and 20, 1992, at which time it was reset to the Calendar for April 23, 1992.

Rep. Callicott moved that Senate Joint Resolution No. 367 be concurred in, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes.	86
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier,

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Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Chiles -- 1.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

***House Bill No. 2357** -- District Attorneys -- Provides that assistant district attorneys general employed between June 30, 1980 and June 30, 1989, receive equal compensation with such assistants employed after June 30, 1989. Amends TCA 8-7-201.

Rep. Cole moved that House Bill No. 2357 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2357 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cole moved that **House Bill No. 2357**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber,

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Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***Senate Bill No. 2194** -- Landlord and Tenant -- Expands application of Residential Landlord and Tenant Act to 14 largest counties instead of four largest counties. Amends TCA 66-28-102.

Discussed earlier today, it was substituted for House Bill No. 2288 and Amendments No(s). 1, 2, 3 and 5 were adopted.

Rep. Dixon moved that **Senate Bill No. 2194**, as amended, be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Dixon moved that **Senate Bill No. 2194**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	77
Noes.	9
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, Meyer, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Bragg, Duer, Ferguson, Harrill, Haun, Liles, Niceley, Nuber, Williams (Union) -- 9.

Representatives present and not voting were: Givens, Rigsby -- 2.

A motion to reconsider was tabled.

***House Bill No. 2641** -- Development Districts -- Removes floor space requirement that enables businesses to qualify as business facilities within enterprise zones; removes criteria that would prevent such businesses from qualifying for excise tax reimbursement. Amends TCA, Title 13, Ch. 28.

On motion, House Bill No. 2641 was made to conform with Senate Bill No. 2744.

On motion, **Senate Bill No. 2744**, on same subject, was substituted for House Bill No. 2641.

Rep. Pruitt moved that **Senate Bill No. 2744** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Pruitt moved that **Senate Bill No. 2744** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Coffey -- 1.

Representatives present and not voting were: Tullos -- 1.

A motion to reconsider was tabled.

House Bill No. 1785 -- Sunset Laws -- Alcoholic beverage commission, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 50; Title 12, Ch. 2; Title 47, Ch. 18; Title 57; Title 60, Ch.

4; Title 62, Ch. 33; Title 67, Ch. 4.

On motion, House Bill No. 1785 was made to conform with Senate Bill No. 1910.

On motion, **Senate Bill No. 1910**, on same subject, was substituted for House Bill No. 1785.

Rep. King moved that **Senate Bill No. 1910** be passed on third and final consideration.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 2.

Rep. King moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1910 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

Section _____. (a) The following governmental entities shall terminate on June 30, 1999:

() Alcoholic beverage commission, created by § 57-1-102;

(b) Each department, commission, board, agency, or council of state government created during calendar year 1998 shall terminate on June 30, 1999.

(c) Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. King moved that **Senate Bill No. 1910**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson,

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Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1786 -- Sunset Laws -- Board of examiners in psychology, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 11; Title 68, Ch. 1.

On motion, House Bill No. 1786 was made to conform with Senate Bill No. 1904.

On motion, **Senate Bill No. 1904**, on same subject, was substituted for House Bill No. 1786.

Rep. King moved that **Senate Bill No. 1904** be passed on third and final consideration.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 2.

Rep. King moved that **Senate Bill No. 1904** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham,

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Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1821 -- Sunset Laws -- Department of economic and community development, June 30, 1999. Amends TCA, Title 3, Ch. 2; Title 4; Title 7, Chs. 37, 53, 55; Title 8, Ch. 23; Title 9, Ch. 20; Title 12, Ch. 3; Title 13; Title 41, Ch. 22; Title 43, Ch. 30; Title 45, Ch. 8; Title 49, Chs. 5, 9, 50; Title 50, Ch. 1; Title 58, Ch. 2; Title 59, Ch. 13; Title 60, Ch. 1; Title 64; Title 68, Chs. 23, 31.

Rep. King moved that House Bill No. 1821 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1821 by deleting Section 2 in its entirety and by substituting instead the following new section:

SECTION 2. Tennessee Code Annotated, Section 4-29-213(a), is amended by adding a new item thereto, as follows:

() Department of economic and community development, created by § 4-3-101;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 1821**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham,

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Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

Senate Bill No. 0846 -- Contractors -- Makes general contractors provisions applicable statewide. Amends TCA 62-6-102.

Having been discussed earlier, House Bill No. 979 was substituted, Amendments Nos. 1, 2, 4 and 5 were adopted, Amendment No. 3 was tabled, and a motion was made to adopt Amendment No. 6.

Rep. Ferguson renewed the motion to adopt Amendment No. 6, which motion prevailed.

Rep. Bell moved to amend as follows:

Amendment No. 7

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
10,100	10,470
14,300	14,450
14,100	14,250
67,600	67,900

On motion, Amendment No. 7 was adopted.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Crain moved to amend as follows:

Amendment No. 8

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
19,300
23,450

nor more than
19,600
24,000

On motion, Amendment No. 8 was adopted.

Rep. Haun moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
29,100
55,700
51,000
16,300

nor more than
29,400
56,000
51,300
16,650

On motion, Amendment No. 9 was adopted.

Rep. Cross moved to amend as follows:

Amendment No. 10

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
18,200
7,200
9,275
15,900
35,075
26,100
6,700
44,500
13,680
51,500
54,600
33,010
17,000

nor more than
18,500
7,500
9,400
16,200
35,200
26,400
6,950
45,000
13,750
51,800
55,000
33,500
17,200

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On motion, Amendment No. 10 was adopted.

Rep. Rigsby moved to amend as follows:

Amendment No. 11

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
34,500
24,600

nor more than
34,730
24,900

On motion, Amendment No. 11 was adopted.

Rep. Walley moved to amend as follows:

Amendment No. 12

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than
12,700
23,300
25,300
37,500

nor more than
13,000
23,400
25,600
37,800

On motion, Amendment No. 12 was adopted.

Rep. Fowlkes moved to amend as follows:

Amendment No. 13

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

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not less than

25,700

28,100

21,400

30,200

nor more than

26,000

28,400

21,700

30,475

On motion, Amendment No. 13 was adopted.

Rep. Gunnels moved to amend as follows:

Amendment No. 14

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

31,100

30,500

nor more than

31,400

30,800

On motion, Amendment No. 14 was adopted.

Rep. Davidson moved to amend as follows:

Amendment No. 15

Amend Senate Bill No. 846 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

27,100

41,300

nor more than

27,400

41,600

On motion, Amendment No. 15 was adopted.

Rep. Kent moved that Senate Bill No. 846, as amended, be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***House Bill No. 2803 -- Sewage --** Permits Gordonsville to consider sewer rates as assessments for which lien may attach to real property. Amends TCA, Title 7, Ch. 35, Pt. 2.

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On motion, House Bill No. 2803 was made to conform with Senate Bill No. 2816.

On motion, **Senate Bill No. 2816**, on same subject, was substituted for House Bill No. 2803.

Rep. Buck moved that **Senate Bill No. 2816** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 2816** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2433 -- Mental Health and Mental Retardation, Dept. of -- Requires department to sell or lease mental institute property not in use for development of mental health facilities and programs; establishes special trust fund for deposit of funds from such sale or lease. Amends TCA, Titles 12, 33.

Rep. Wood moved that House Bill No. 2433 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2433 by adding the following language as a new section immediately preceding the effective date section and by renumbering the effective date section as Section 7:

SECTION 6. The department of mental health and mental retardation shall not submit a budget that proposes to use funds derived from the sale or lease of property owned or held by the department to supplant its current level of appropriated funding.

AND FURTHER AMEND by deleting from Section 1 the words and figures "Sections 2 through 5 of this act" and by substituting instead the words and figures "Sections 2 through 6 of this act".

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2433 by deleting Sections 1, 2, 3, 4 and 5 in their entirety and substituting therein the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 2, Part 1, is amended by adding Sections 2 through 5 in this act as new, appropriately designated sections.

SECTION 2. All property owned or held by the mental health institutes enumerated in Section 33-2-101 and controlled by the department of mental health and mental retardation which is not in use may be sold or leased in accordance with the provisions of this part. The procedures for selling or leasing such property shall be those required by law and the state building commission for other state owned real property.

SECTION 3.

(a) Notwithstanding the provisions of Tennessee Code Annotated, Section 12-2-112(7), the proceeds received from the sale or lease of such land shall be deposited in a special trust fund created by Section 4 of this act.

(b) The interest and principal from such trust shall be used as provided in the general appropriations act for the specific purposes of planning and construction of mental health facilities as well as for the transition of patients from an institutional setting into community programs.

SECTION 4. There is hereby created within the general fund a special trust fund earmarked for the sole purpose of providing funds to the department of mental health and mental retardation for the purposes set forth in Section 3(b).

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SECTION 5. This act shall take effect on July 1, 1992, the public welfare requiring it, and shall not apply to any land sale initiated prior to July 1, 1992.

On motion, Amendment No. 2 was adopted.

Rep. Walley moved the previous question, which motion prevailed.

Thereupon, Rep. Wood moved that **House Bill No. 2433**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1906 -- Taxes -- Enacts "Tennessee Taxpayer Bill of Rights". Amends TCA, Title 67, Ch. 1.

On motion, House Bill No. 1906 was made to conform with Senate Bill No. 1936.

On motion, **Senate Bill No. 1936**, on same subject, was substituted for House Bill No. 1906.

Rep. Sipes moved that **Senate Bill No. 1936** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 3.

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Rep. Sipes moved that **Senate Bill No. 1936** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2058** -- Pensions and Retirement Benefits -- Makes city attorney eligible for membership in TCRS. Amends TCA 8-35-234.

On motion, House Bill No. 2058 was made to conform with Senate Bill No. 2293.

On motion, **Senate Bill No. 2293**, on same subject, was substituted for House Bill No. 2058.

Rep. Stamps moved that **Senate Bill No. 2293** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Stamps moved that **Senate Bill No. 2293** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley,

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Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood -- 94.

Representatives present and not voting were: Head, Venable, Wix, Mr. Speaker Naifeh -- 4.

A motion to reconsider was tabled.

***Senate Bill No. 1803** -- Alcoholic Beverages -- Lowers minimum seating requirement from 75 to 40 for wine only restaurants; lowers bond requirement to same 20 percent rate as privilege tax. Amends TCA 57-4-101, 57-4-302.

Further consideration of Senate Bill No. 1803, previously considered on April 13, 1992, at which time it was substituted for House Bill No. 2730 and failed for lack of a Constitutional majority and was referred to the Calendar and Rules Committee. On April 21, the Calendar and Rules Committee reset it to the Calendar for April 23, 1992.

Rep. U. Jones moved that Senate Bill No. 1803 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 2684 -- Sexual Offenses -- Requires person convicted of two or more rapes or aggravated rapes to serve entire sentence imposed by court. Amends TCA, Titles 39--41.

On motion, House Bill No. 2684 was made to conform with Senate Bill No. 2762.

On motion, **Senate Bill No. 2762**, on same subject, was substituted for House Bill No. 2684.

Rep. Halteman moved that **Senate Bill No. 2762** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Judiciary Committee Amendment No. 1.

Rep. Jackson moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 2762 by inserting the following between the words "another person," and the words "such offense" in subpart (2) of the amendatory language of SECTION 4:

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or the offense involved the sale of cocaine or the possession of cocaine with intent to sell such substance,

Rep. Hargrove moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	82
Noes.	13
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Bittle, Chumney, Davidson, Gunnels, Herron, Jackson, McKee, Odom, Phillips, Pinion, Turner (Hamilton), Windle, Winningham -- 13.

Representatives present and not voting were: Collier -- 1.

Rep. Davidson moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Chumney moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Halteman moved that Senate Bill No. 2762 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Halteman moved that Senate Bill No. 2762 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	5
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon,

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Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Davis (Cocke), Huskey, Jackson, Phillips, Windle -- 5.

Representatives present and not voting were: McKee -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2762 and have this statement entered in the Journal.

Rep. Frank Niceley

REGULAR CALENDAR, CONTINUED

House Bill No. 2690 -- Driver Licenses -- Requires department of safety to put donor authorization form on back of all driver licenses. Amends TCA, Title 55, Ch. 50; Title 68, Ch. 30.

On motion, House Bill No. 2690 was made to conform with Senate Bill No. 2691.

On motion, **Senate Bill No. 2691**, on same subject, was substituted for House Bill No. 2690.

Rep. Purcell moved that **Senate Bill No. 2691** be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 2.

Rep. Purcell moved that **Senate Bill No. 2691** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2691 and have this statement entered in the Journal.

Rep. Harry Tindell

REGULAR CALENDAR, CONTINUED

House Bill No. 2521 -- Education, Higher -- Creates postsecondary educational institution oversight committee under THEC. Amends TCA 49-7-207; Title 49, Ch. 7, Pt. 20.

On motion, House Bill No. 2521 was made to conform with Senate Bill No. 2593.

On motion, **Senate Bill No. 2593**, on same subject, was substituted for House Bill No. 2521.

Rep. Purcell moved that **Senate Bill No. 2593** be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2593 after "oversight", add the following language,

Four (4) members shall be representative of the public interest, and shall have no association or relationship with such institutions.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved adoption of Education Committee Amendment No. 2 as follows:

Amendment No. 2

To amend Senate Bill No. 2593 by changing to read after "Corporation," "and eleven (11) persons" and to add after "institutions" in amendment #1, the following language: "Two (2) members of the committee shall be representative of community based organizations that have an interest in post secondary occupational education".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Purcell moved that **Senate Bill No. 2593**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

House Bill No. 1410 -- Tennessee Higher Education Commission -- Authorizes commission to give tuition discounts to children of state employees. Amends TCA, Title 8, Ch. 50, Pt. 1.

Rep. Purcell moved that House Bill No. 1410 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee

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Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1410 by adding to the amendatory language of Section 1 the following:

Any reimbursements to a state operated institution of higher learning for the tuition discounts provided by this section shall be limited to those funds specifically appropriated for that purpose in the general appropriations act. Such reimbursement shall be limited to providing for the discount on tuition provided for in this section.

AND FURTHER AMEND by deleting the year "1991" in Section 2 and substituting instead the year "1992."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 1410**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Joyce -- 1.

A motion to reconsider was tabled.

House Bill No. 2548 -- Cosmetology -- Revises Tennessee Cosmetology Act of 1986. Amends TCA, Title 62, Ch. 4.

Rep. DeBerry moved that House Bill No. 2548 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2548 by deleting Sections 1 and 9 of the bill in their entirety and renumbering the remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. DeBerry moved that House Bill No. 2548, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Windle -- 1.

A motion to reconsider was tabled.

***House Joint Resolution No. 0517 --** Memorials, Government Officials -- Calls for changes in federal statutes and regulations to ensure than an AFDC caregiver, who abuses or is dependent on alcohol or other drugs, does not misuse AFDC benefits and food stamps received on behalf of AFDC infants and children.

Rep. DeBerry moved that House Joint Resolution No. 517 be adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Joint Resolution No. 517 by deleting the word "direct" from the first resolving clause, and by substituting instead the word "urge".

On motion, Amendment No. 1 was adopted.

Rep. DeBerry moved that **House Joint Resolution No. 517**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2484 -- Drugs --** Increases time for mailing notices of price changes for drug formulary from not less than 30 to not less than 40 days in advance. Amends TCA 71-5-108.

Rep. Bivens moved that House Bill No. 2484 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2484 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 71-5-108, is amended by adding Sections 2 through 11 of this act to be designated appropriately.

SECTION 2. The title of this act is and may be cited as the "Tennessee Drug Utilization Review Act".

SECTION 3. There is hereby created the Medicaid Drug Utilization Review Board which shall be responsible for the development and evaluation of retrospective and prospective drug utilization program criteria under the Tennessee Medicaid program. The Board shall perform its duties in

compliance with the Omnibus Budget Reconciliation Act of 1990 drug utilization review requirements and with the concurrence of the Tennessee Department of Health.

SECTION 4. The Board shall be composed of the following:

(1) Four (4) individuals licensed and actively engaged in the practice of medicine in Tennessee under Title 63, Chapter 6, and who are enrolled and actively participating in the Tennessee Medicaid program, selected from a list submitted by the Tennessee Medical Association.

(2) Four (4) individuals licensed and actively engaged in the practice of pharmacy in Tennessee under Title 63, Chapter 10, and who are enrolled and actively participating in the Tennessee Medicaid program, selected from a list submitted by the Tennessee Pharmacists Association.

(3) One (1) individual with expertise in therapeutic pharmacology who is neither a practicing physician nor a practicing pharmacist, selected from a list submitted by the Pharmaceutical Manufacturers Association. This individual must be a resident of the state of Tennessee.

(4) A representative of the Bureau of Medicaid's Medical Support Unit who shall serve as an ex-officio non-voting member of the Board.

(5) The Commissioner of Health may reject any or all recommendations, in which case the nominating process shall continue until appointments are finalized by the Commissioner.

SECTION 5. The members of the Board shall be appointed by the Commissioner of Health and serve terms of three (3) years. The Commissioner of Health shall appoint the initial members of the Drug Utilization Review Board established by this act by July 1, 1992. The initial appointments to the Drug Utilization Review Board shall be made so that the length of the terms are staggered.

(a) The Commissioner shall fill a vacancy on the Board by appointing a new member to serve the remainder of the unexpired term.

(b) The Commissioner may remove a member for cause.

(c) Board members must have expertise in one (1) or more of the following:

(1) Clinically appropriate prescribing of outpatient drugs.

(2) Clinically appropriate dispensing and monitoring of outpatient drugs.

(3) Drug utilization review, evaluation and intervention.

(4) Medical quality assurance.

(d) An individual appointed to the Board may be re-appointed upon the completion of the individual's term.

(e) A member of the Board who is not a state employee is entitled to receive all necessary expenses incident to conducting the business of the Board, and in addition thereto shall be entitled to a per diem of fifty dollars (\$50.00) for each day's service in conducting the business of the Board. All traveling expenses and other expenses actually incurred in connection with the member's duties shall be reimbursed in accordance with the Department of Finance and Administration and approved by the Attorney General and Reporter.

(f) Each member of the Board who is a state employee is entitled to a reimbursement for traveling expenses actually incurred in connection with the member's duties, in accordance with the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

SECTION 6.

(a) The Board shall annually elect a chairman from the members of the Board.

(b) The chairman may be re-elected to serve consecutive terms as chairman.

SECTION 7. Adoption of Drug Utilization Review criteria and standards shall require at least five (5) members voting in the affirmative.

SECTION 8.

(a) The Board shall be responsible for the development, application, and assessment of interventions or remedial strategies for physicians, pharmacists, other prescribing health care providers, and recipients, that are educational in nature to improve the quality of care. Only cases which are

revealed during the drug utilization review process that involve fraud or gross over-use may be considered for punitive measures.

(b) An intervention developed under Section 3 of this act that involves a physician, prescribing health care provider, or pharmacist must be approved by at least five (5) members voting in the affirmative.

(c) The Board shall be responsible for the re-evaluation of the effectiveness of interventions.

(d) The Board shall be responsible for the publication of an annual report that must be subject to public comment before issuance to the federal Department of Health and Human Services by December 1 of each year. The annual report shall also be submitted to Speakers of the House and Senate.

SECTION 9. In order to protect patient or recipient identifying information during the Board's review of case profiles or such other matters as are authorized for review by this act, the Board shall meet in executive session any time such confidential material is reviewed. Such executive sessions shall, without limitation, occur during the review, discussion, or exhibiting of confidential information as it is generated, stored, collected, retrieved, assessed, or analyzed by the Board or any of its committees at the time of or during any meeting held in compliance with §8-44-102. All Board-generated information shall be maintained and protected in compliance with §63-6-219(c).

SECTION 10. The Drug Utilization Review Board created under this act shall terminate on June 30, 1993, pursuant to the provisions of §4-29-118.

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bivens moved that **House Bill No. 2484**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman,

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Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2461; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2461** -- Taxes -- Prohibits owner or taxpayer from paying percentage of taxes saved to anyone for obtaining tax reduction before any assessment authority or board of equalization. Amends TCA, Title 67. by *Ford, *Dunavant.

REGULAR CALENDAR, CONTINUED

House Bill No. 2529 -- Taxes -- Prohibits owner or taxpayer from paying percentage of taxes saved to anyone for obtaining tax reduction before any assessment authority or board of equalization. Amends TCA, Title 67.

On motion, House Bill No. 2529 was made to conform with Senate Bill No. 2461.

On motion, **Senate Bill No. 2461**, on same subject, was substituted for House Bill No. 2529.

Rep. Haley moved that **Senate Bill No. 2461** be passed on third and final consideration.

Rep. Haley moved that **Amendment No. 1** be withdrawn, which motion prevailed.

Thereupon, Rep. Haley moved that **Senate Bill No. 2461**, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

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Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

RECESS MOTION

On motion, the House recessed until 1:15 p.m.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 697 and 698; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 681; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2823; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 23, 1992 -- EIGHTY-EIGHTH LEGISLATIVE DAY

**REPORT OF CHIEF ENGROSSING CLERK
April 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2823; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1705, 2301, 2453, 2845, 2846, 2847, 2848, 2850, 2851 and 2852; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE GOVERNOR
April 23, 1992**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2823, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**ENGROSSED BILLS
April 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1821, 2173, 2357, 2433, 2789, 2858, 2859, 2860, 2861, 2862 and 2863; also, House Joint Resolution(s) No(s). 479, 503, 588, 657, 658, 665, 682, 683, 684, 685, 686, 687, 688, 689, 691, 692, 693, 694, 695, 696, 699, 701 and 702; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 558, 559, 2405, 2623 and 2787; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 23, 1992 -- EIGHTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2128; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2128 -- Apportionment, Legislative -- Redistricts house of representatives. Amends TCA, Title 3, Ch. 1. by *Rochelle.**

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 476, 477 and 482; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0476 -- Memorials, Sports -- Calvin Talford. by *Crowe.

Senate Joint Resolution No. 0477 -- Memorials, Personal Occasion -- Dr. Richard A. Manahan, 53rd birthday. by *Crowe.

Senate Joint Resolution No. 0482 -- Memorials, Personal Achievement -- Johnson City University High School, U.S. Academic Decathlon. by *Crowe.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2554, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1187; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1652; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2235; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2115; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1687; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 186, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206 and 207; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
April 23, 1992**

The Speaker announced that he had signed the following: House Resolution(s) No(s). 186, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206 and 207.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
April 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1410, 2484 and 2548; also, House Joint Resolution(s) No(s). 517; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 488; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*General Assembly, Adjournment, Recess -- Recesses Senate April 23 until 9:00 a.m., April 28; recesses House on April 23 until 1:00 p.m. April 28. by *Darnell.

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1325, 1717, 1756, 1823, 1837, 1838, 1998, 2042, 2178, 2297, 2387, 2424, 2438, 2512, 2578, 2584 and 2757; also, Senate Joint Resolution(s) No(s). 70, 392, 393, 446, 447, 449, 453, 455, 459, 462, 465 and 466; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**SIGNED
April 23, 1992**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1325, 1717, 1756, 1823, 1837, 1838, 1998, 2042, 2178, 2297, 2387, 2424, 2438, 2512, 2578, 2584 and 2757; also, Senate Joint Resolution(s) No(s). 70, 392, 393, 446, 447, 449, 453, 455, 459, 462, 465 and 466.

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**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 772, 1150, 1609, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 1947, 1970, 2002, 2013, 2041, 2047, 2121, 2172, 2231, 2335, 2417, 2427, 2485, 2572, 2695, 2840, 2841, 2842 and 2849; also, House Joint Resolution(s) No(s). 666; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 655, 660, 661, 663, 667, 669, 670, 671, 672, 674, 675 and 677; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

**REPORT OF CHIEF ENGROSSING CLERK
April 23, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 772, 1150, 1609, 1770, 1776, 1801, 1813, 1824, 1830, 1835, 1947, 1970, 2002, 2013, 2041, 2047, 2121, 2172, 2231, 2335, 2417, 2427, 2485, 2572, 2695, 2840, 2841, 2842 and 2849; also, House Joint Resolution(s) No(s). 666; for his action.

**BETTY KAY FRANCIS,
Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE
April 23, 1992**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 378, 422, 460, 461, 463, 467, 468, 469, 470, 471, 474, 478, 479 and 480; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

***Senate Joint Resolution No. 0378 --** General Assembly, Directed Studies -- Directs Fiscal Review Committee to study consolidation of state investigative agencies. by *Cooper, Kyle.

***Senate Joint Resolution No. 0422 --** General Assembly, Studies -- Creates special joint committee to study publication of certain state notices in newspapers primarily serving African-American communities. by *Harper.

Senate Joint Resolution No. 0460 -- Memorials, Interns -- Polly Dorris. by *Hicks.

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Senate Joint Resolution No. 0461 -- Memorials, Professional and Business Achievement -- Carolyn Bingham, Teacher of the Year. by *Womack.

Senate Joint Resolution No. 0463 -- Memorials, Sports -- Richard Petty. by *Montgomery, Cooper.

Senate Joint Resolution No. 0467 -- Memorials, Public Service -- David R. Carlisle, Principal of Riverdale Elementary School. by *Person, *Dunavant.

Senate Joint Resolution No. 0468 -- Memorials, Interns -- Jill Melissa Erwin. by *Kyle.

Senate Joint Resolution No. 0469 -- Memorials, Interns -- Jacqueline Michelle Tyl. by *Person, McNally, McKnight, Hamilton, Harper, Wilder, O'Brien, Kyle, Ford, Cohen, Dunavant, Davis E.

Senate Joint Resolution No. 0470 -- Memorials, Sports -- Southside boys' basketball team. by *Rochelle.

Senate Joint Resolution No. 0471 -- Memorials, Sports -- Union City High School boys' basketball team. by *Hamilton.

Senate Joint Resolution No. 0474 -- Memorials, Sports -- Memphis State University men's basketball team. by *Person, *Cohen, *Kyle, Ford, O'Brien, Wilder.

Senate Joint Resolution No. 0478 -- Memorials, Retirement -- Judge Joseph David Duncan. by *Atchley, Gilbert, Koella.

Senate Joint Resolution No. 0479 -- Memorials, Personal Achievement -- Greg Lockhart, National Junior Honor Society. by *Burks.

Senate Joint Resolution No. 0480 -- Memorials, Personal Occasion -- Clyde and Daisy Smothers, 70th wedding anniversary. by *Springer, McKnight.

MESSAGE FROM THE SENATE

April 23, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 229, 303, 1128, 2551, 2572, 2781 and 2821; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

***Senate Bill No. 0229 -- Probate Law -- Clarifies disclaimer of interests in jointly held property and beneficiary designated assets. Amends TCA 31-1-103. by *Henry.**

***Senate Bill No. 0303 -- Physicians and Surgeons -- Extends**

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board of medical examiners' reporting time regarding disciplinary actions from sixty to ninety days. Amends TCA, Title 63, Ch. 6. by *Person.

Senate Bill No. 1128 -- Professions and Occupations -- Makes violation of Private Investigators Licensing and Regulatory Act Class C misdemeanor. Amends TCA, Title 62. by *Koella.

***Senate Bill No. 2551** -- Telecommunications -- Removes value added networks from definition of "telecommunication" under sales tax law. Amends TCA 67-6-102. by *Rochelle, *Dunavant.

Senate Bill No. 2572 -- Firefighters -- Renames TN State Fire College "TN State Fire Academy"; transfers from board of regents to state fire marshal; provides for funding through State Fire Prevention Fund. Amends TCA 49-8-701, 68-17-142. by *Womack, *McNally, Cooper, Burks, Darnell, Hamilton, Cohen, Lawson, Hicks, McKnight.

***Senate Bill No. 2781** -- County Government -- Extends certain powers, including power to incur debt and issue general revenue bonds, to separate legal or administrative agencies created by interlocal agreement among political subdivisions; restricts delegation of certain powers. Amends TCA, Title 9, Ch. 21; Title 12, Ch. 9. by *Cooper.

Senate Bill No. 2821 -- Hickman County -- Divides into new school districts; provides number, selection and terms of board of education; provides transition period for existing board. Amends Chapter 671, Private Acts of 1929, as amended. by *Springer.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

MOTION TO RECONSIDER

***Senate Bill No. 1904** -- Sunset Laws - Board of examiners in psychology, June 30, 1999. Amends TCA, Title 4, Ch. 29; Title 27, Ch. 9; Title 63, Ch. 11; Title 68, Ch. 1.

Rep. King moved to lift from the table the motion to reconsider Senate Bill No. 1904, which motion prevailed.

Rep. King moved that we reconsider our action on Senate Bill No. 1904, which motion prevailed.

Rep. King moved moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1904 by adding the following new sections before the effective date section and by renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Section 63-11-101, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Two (2) members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and universities in the state, and shall be engaged in teaching, research, and/or administration of psychology; three (3) members shall be licensed psychologists; one (1) member shall be a licensed psychological examiner and one (1) member shall be a private citizen who is neither a licensed psychologist nor a licensed psychological examiner and who has no professional, commercial or personal interest in the practice of psychology.

SECTION _____. Tennessee Code Annotated, Section 63-11-102(a), is amended by inserting between the first and second sentences the following:

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. King moved that Senate Bill No. 1904, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	87
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Bill No. 2586 -- Mines, Mining -- Removes from inclusion in regrading plans highwall elimination and spoil piles which no longer pose hazards to environment if demonstrated new technology methods approved by commissioner. Amends TCA 59-8-208.

House Bill No. 0758 -- Taxes -- Reduces interest paid if taxpayer wins appeal. Same as *SB 444. Amends TCA 67-5-1512.

House Bill No. 2193 -- Welfare -- Prescribes the AFDC standard of need level for an assistance group of four persons for fiscal year 1992-1993. Amends TCA 71-3-104.

On motion, House Bill No. 2193 was made to conform with Senate Bill No. 1989.

On motion, **Senate Bill No. 1989**, on same subject, was substituted for House Bill No. 2193.

***House Joint Resolution No. 0538** -- Memorials, Government Officials -- Urges use of only American manufactured cars and trucks in state fleet.

***House Joint Resolution No. 0128** -- General Assembly, Directed Studies -- Directs study concerning development and coordination of state resources to combat morbidity and mortality among African American young adults.

***House Bill No. 0341** -- Public Works Projects -- Increases minimum dollar amount of public works contracts from \$25,000 to \$100,000 above which contractors must post bond. Amends TCA 12-4-201.

***House Bill No. 2364** -- Professions and Occupations -- Transfers provisions of the Electrologists Practice Act from Title 62 to Title 63. Amends TCA, Title 62, Ch. 34; Title 63.

House Bill No. 2387 -- Sunset Laws -- Council on pensions and retirement, June 30, 2000. Amends TCA, Title 3, Ch. 9; Title 4, Ch. 29.

On motion, House Bill No. 2387 was made to conform with Senate Bill No. 2468.

On motion, **Senate Bill No. 2468**, on same subject, was substituted for House Bill No. 2387.

House Bill No. 2388 -- Sunset Laws -- State board of equalization, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29; Title 67, Chs. 1, 5.

On motion, House Bill No. 2388 was made to conform with Senate Bill No. 2470.

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On motion, **Senate Bill No. 2470**, on same subject, was substituted for House Bill No. 2388.

House Bill No. 2386 -- Sunset Laws -- State capitol commission, June 30, 2000. Amends TCA, Title 4, Chs. 8, 29.

On motion, House Bill No. 2386 was made to conform with Senate Bill No. 2469.

On motion, **Senate Bill No. 2469**, on same subject, was substituted for House Bill No. 2386.

House Bill No. 2506 -- Highway Signs -- "Paul Jones New Memorial Bridge," Cannon County.

On motion, House Bill No. 2506 was made to conform with Senate Bill No. 2507.

On motion, **Senate Bill No. 2507**, on same subject, was substituted for House Bill No. 2506.

House Bill No. 2834 -- Metropolitan Government -- Authorizes law enforcement officers to arrest for violations of metropolitan ordinances and courts to issue arrest warrants for violations of such ordinances. Amends TCA, Titles 7, 40.

***House Joint Resolution No. 0651** -- General Assembly, Directed Studies -- Requests department of transportation to conduct study to determine whether means exist to preserve right-of-way corridors.

***Senate Joint Resolution No. 0417** -- General Assembly, Confirmation of Appointment -- W. R. Sain, Jr., Tennessee Wildlife Resources Commission.

***Senate Joint Resolution No. 0370** -- General Assembly, Directed Studies -- Directs comptroller of the treasury to study utility districts and extent to which modifications are needed to ensure highest degree of efficiency, effectiveness and public accountability.

***Senate Joint Resolution No. 0445** -- General Assembly, Directed Studies -- Creates interagency task force to study issues relative to intermediate care facilities for persons with mental retardation.

House Bill No. 2771 -- County Government -- Extends certain powers, including power to incur debt and issue general revenue bonds, to separate legal or administrative agencies created by interlocal agreement among political subdivisions; restricts delegation of certain powers. Amends TCA, Title 9, Ch. 21; Title 12, Ch. 9.

On motion, House Bill No. 2771 was made to conform with Senate Bill No. 2781.

On motion, **Senate Bill No. 2781**, on same subject, was

substituted for House Bill No. 2771.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 341; by Rep. Duer and Head.

House Bill No. 758; by Rep. Phillips.

House Bill No. 2586; by Rep. Chiles.

Under the rules, House Bills Nos. 341, 758 and 2586 was/were placed at the foot of the calendar for Tuesday, April 28, 1992.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

SPECIAL CONSENT CALENDAR

House Resolution No. 0208 -- Memorials, Interns -- Darrell Simmons. by *Stamps.

Introduced; placed on special consent calendar.

House Resolution No. 0209 -- Memorials, Interns -- Davis Lewis Bell. by *Davis Ray.

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Introduced; placed on special consent calendar.

House Joint Resolution No. 0703 -- Memorials, Retirement -- Mr. and Mrs. Charles H. "Jack" Thomas of Tullahoma. by *Curlee.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0704 -- Memorials, Sports -- Kingsbury High School boys' basketball team. by *Joyce.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0705 -- Memorials, Public Service -- D. W. Ross, Elma Ross Library. by *Crain.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0706 -- Memorials, Sports -- McNairy Central High School boys' and girls' basketball teams. by *Rinks.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0707 -- Memorials, Public Service -- A. C. Williams. by *Jones R.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0708 -- Memorials, Sports -- Wayne County High School girls' basketball team. by *McDaniel, *Sipes.

Introduced; placed on special consent calendar.

House Joint Resolution No. 0709 -- Memorials, Sports -- Meigs County High School girls' basketball team. by *McKee.

Introduced; placed on special consent calendar.

Senate Joint Resolution No. 0476 -- Memorials, Sports -- Calvin Talford.

Placed on special consent calendar.

Senate Joint Resolution No. 0477 -- Memorials, Personal Occasion -- Dr. Richard A. Manahan, 53rd birthday.

Placed on special consent calendar.

Senate Joint Resolution No. 0482 -- Memorials, Personal Achievement -- Johnson City University High School, U.S. Academic Decathlon.

Placed on special consent calendar.

Pursuant to Rule No. 50, Rep. Phillips moved that all House

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Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

ENGROSSED BILLS

April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2364, and 2834; also, House Joint Resolution(s) No(s). 128, 538, 651, 703, 704, 705, 706, 707, 708 and 709; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REGULAR CALENDAR, CONTINUED

House Bill No. 2086 -- Apportionment, Legislative -- Redistricts house of representatives. Amends TCA, Title 3, Ch. 1.

OBJECTION TO SUBSTITUTION

Rep. Chiles objected to taking up Senate Bill No. 2128 and asked for a ruling of the Chair as to whether it was appropriately before the House.

RULING OF THE CHAIR

Mr. Speaker Naifeh ruled that Rule No. 59 applied only to messages coming over from the Senate for our concurrence in Amendments or other messages, not as it related to the substitution of Senate Bills as addressed in Rules Nos. 38 and 56.

CHALLENGE TO THE CHAIR

Rep. Chiles challenged the ruling of the Chair. He called into question the fact that, pursuant to Rule No. 59, Senate Bill No. 2128 had not had the opportunity to lie over one day.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

RULING OF THE CHAIR SUSTAINED

The Ruling of the Chair was sustained by the following vote:

Ayes.	55
Noes.	42

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hill, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas, Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 42.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the vote on the ruling of the Chair and have this statement entered in the Journal.

Rep. Ray Hill

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 2086 was made to conform with Senate Bill No. 2128.

On motion, **Senate Bill No. 2128**, on same subject, was substituted for House Bill No. 2086.

Rep. Ridgeway moved that **Senate Bill No. 2128** be passed on third and final consideration.

Rep. Callicott moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2128 by deleting the description of Williamson County in the description of District 61 in the amendatory language of Section 1 and by substituting instead the following:

Williamson County:

09 - 2	River Rest Estates Club House
09 - 1	Grassland Elementary School
08 - 2	Scales Elementary School
07 - 1	Brentwood High School
07 - 2	Tennessee Baptist Childrens
08 - 1	Grassland Heights Baptist Church
06 - 2	New Hope Community Center
06 - 1	Lipscomb School
10	Courthouse
12 - 1	Franklin City Hall
11	Franklin Middle School
12 - 2	Franklin City Hall
03 - 3	Huffs Fellowship Hall

Rep. Purcell moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.	54
Noes.	43
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones, R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),

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Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullios, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 43.

Representatives present and not voting were: Knight -- 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1 as House Amendment No. 2.

Rep. Copeland moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 2128 by deleting the descriptions of Districts 26, 27, 28, 29, 30 and 31 in the amendatory language of Section 1 and by substituting instead the following:

DISTRICT 26 Hamilton County: 6 DuPont; 25 Hixon; 88 Hixson 2; 28 Lake Hills: Tract 011402 Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 201, 202, 203, 204, 205, 206, 207, 215, 216, 217, 218, 219; 34 Murray Hills, 58 Harrison, 62 Snowhill, 70 Ganns, 71 Lakesite, 73 Middle Valley, 83 Soddy Daisy North, 84 Soddy Daisy South, 90 Harrison 2.

DISTRICT 27 Hamilton County: 33 Mountain Creek, 35 North Chattanooga, 42 Riverview, 44 Stuart Heights, 65 Bakewell, 67 Fairmount, 68 Falling Water, 69 Flat Top Mountain, 74 Mowbray, 75 Pleasant Grove, 76 Red Bank 1, 77 Red Bank 2, 78 Red Bank 3, 79 Red Bank 4, 80 Sale Creek, 81 Signal Mountain East, 85B Valdeau County, 86 Walden.

DISTRICT 28 Hamilton County: 01 Airport: Tract 003400 Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119; Tract 011403 Blocks 217, 304, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511; Tract 011404 Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 201, 202, 203, 204, 205, 206, 207, 209, 210, 211, 212, 244; 02 Alton Park, 03 Amnicola: Tract 000300 Blocks 101, 113, 114, 116; Tract 011500 Block 105, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 199; 04

Avondale, 08 Bushtown, 10 City Hall, 11 Clifton Hills, 13 Courthouse, 14 Dalewood, 15 Downtown, 18 East Chattanooga: Tract 000100 Block 101, 104, 107, 108, 109, 110, 113, 114, 115, 116, 117, 201, 203, 204, 206, 207, 208, 209, 213, 214, 215, 216, 217, 218, 219, 220, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 335, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 432; Tract 000200 Blocks 104, 201, 202, 207, 208, 219, 220, 221, 222; Tract 000300 Block 102; 20 East Side, 23 Glenwood, 24 Highland Park, 26 Howard, 30 Missionary Ridge No: Tract 000200 Blocks 101, 102, 103, 512; 32 Moccasin Bend, 39 Orchard Knob, 41 Ridgedale.

DISTRICT 29 Hamilton County: 01 Airport: Tract 003400 Block 118; Tract 011403 Blocks 409, 410, 412; 03 Amnicola: Tract 011411 Block 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 117, 118, 119, 120, 199A; 05 Bonny Oaks, 06 Brainerd, 07 Brainerd Hills, 18 East Chattanooga: Tract 000100 Blocks 102, 103, 105, 106, 111, 112, 118, 119, 120, 131, 133, 134; Tract 011500 Blocks 106, 107, 152; 21 Eastdale, 27 Kingsport, 28 Lake Hills: Tract 011403 Blocks 214, 216; 29 Lupton City, 30 Missionary Ridge No: Tract 000200 Block 112; Tract 001200 Blocks 101, 122, 124; Tract 003200 Blocks 305, 313, 514, 515, 516, 517, 518; 31 Missionary Ridge So: Tract 001300, Blocks 101, 105, 110; Tract 002400 Blocks 101, 102, 103, 104, 105, 106, 107, 108; Tract 002500 Blocks 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 127, 131, 133; Tract 002700 Block 101; Tract 002800 Blocks 401, 405, 408, 409, 412, 417, 211, 218, 219, 220, 222, 223, 304B; 36 Northgate, 37 Northwoods North, 38 Northwoods South, 45 Sunnyside, 46 Tyner, 49 Woodmore, 61 Ridgeside, 63 Summit.

DISTRICT 30 Hamilton County: 12 Concord, 17 East Brainerd, 50 Apison, 51 Birchwood, 52 Collegedale, 59 Meadowview, 60 Ooltewah, 64 Westview, 66 Dallas, 89 Ooltewah 2, 91 Westview 2.

DISTRICT 31 Hamilton County: 09 Cedar Hill, 19 East Lake, 22 Eastgate, 31 Missionary Ridge So: Tract 002400 Block 109, 110, 111, 123; 40 Piney Woods, 43 St Elmo, 47 Valley View East, 48 Wauhatchie City, 53 East Ridge 1, 54 East Ridge 2, 55 East Ridge 3, 56 East Ridge 4, 57 East Ridge 5, 72 Lookout Mountain, 82 Signal Mountain West, 85A Valdeau County, 92 Valley View West, 87A Wauhatchie County, 87B Wauhatchie County.

Rep. Purcell moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	54
Noes.	41
Present and not voting.	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 41.

Representatives present and not voting were: McAfee -- 1.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.	54
Noes.	42

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix -- 54.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 42.

CHAIR TO PRO TEM

The Speaker relinquished the Chair to Rep. Bivens as Speaker pro tem.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Duer moved that Senate Bill No. 2128 be reset to the Calendar for Tuesday, April 28, 1992.

Rep. Purcell moved to table the motion to reset, which motion prevailed by the following vote:

Ayes.	54
Noes.	42

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 42.

Rep. Davis (Gibson) moved the previous question, which motion he then withdrew.

Rep. Tullos moved the previous question, which motion she then withdrew.

Thereupon, Rep. Purcell moved that Senate Bill No. 2128 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	67
Noes.	30

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McKee, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Callicott, Chiles, Coffey, Copeland, Duer, Haley, Halteman, Harrill, Holcomb, Holt, Hubbard, Joyce, Liles, McAfee, McDaniel, Meyer, Niceley, Nuber, Robinson (Washington), Shirley, Sipes, Stamps, Tullios, Venable, West, Whitson, Williams (Shelby), Williams (Union), Wood -- 30.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2128 and have this statement entered in the Journal.

Rep. Harold Holt

REGULAR CALENDAR, CONTINUED

House Bill No. 2087 -- Apportionment, Legislative -- Redistricts senate. Amends TCA, Title 3, Ch. 1.

Rep. Ridgeway moved that House Bill No. 2087 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2087 by deleting all sections of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-1-102, is amended by deleting subsections (a) through (e) and (j) and by substituting the following:

3-1-102. State senatorial districts.

(a) Senators elected to the Ninety-seventh General Assembly shall, until the next general election for senators, represent their respective districts as constituted prior to the effective date of this act. Nothing in this section shall be construed as depriving any member of the senate of the Ninety-seventh General Assembly of such member's office, or as affecting or modifying the constitutional requirement of staggered senatorial terms, or as affecting or modifying any other

provisions of Article II, Section 3 of the Constitution of Tennessee. At the November, 1992 general election, and thereafter until changed by law, senators shall be elected to represent the districts as constituted and provided by this section. On the date of such November 1992 general election and thereafter until changed by law, senators shall represent the districts as constituted and provided by this section. If an election is required prior to the general election in November 1992, to fill a vacancy in accordance with Article II, Section 15(a) of the Constitution of Tennessee, then the election to fill the vacancy shall be held in the district as constituted and provided prior to the effective date of this act.

(b)(1) All census descriptions, counties, voting districts (VTDs), tracts, blocks, census delineations, census district lines and other census designations are those established for or by the United States department of commerce, bureau of the census, for taking the 1990 federal decennial census in Tennessee as contained in the automated geographic data base, known as the TIGER (Topologically Integrated Geographic Encoding and Referencing) System.

(2) All subdivisions listed under a county are voting districts (VTDs) unless labeled as tracts and blocks.

(c) "Commission district" means the political subdivisions of counties from which members of the county legislative body are elected and shall refer to such districts as they existed on July 1, 1991, unless a contrary date is stated in the description of such districts.

(d) All voting wards, voting precincts and voting districts are those in existence as of July 1, 1992, except the following:

(e) Until the next enumeration of qualified voters and apportionment of senators, the state senatorial districts shall be composed as follows:

(1) SENATE DISTRICT 1. All of Cocke, Greene, Hamblen, and Unicoi Counties;

(2) SENATE DISTRICT 2. All of Sullivan County;

(3) SENATE DISTRICT 3. All of Carter, Johnson and Washington Counties;

(4) SENATE DISTRICT 4. All of Claiborne, Grainger, Hancock, Hawkins, Jefferson and Union Counties;

(5) SENATE DISTRICT 5. All of Anderson and Campbell Counties and that portion of Knox County included within the boundaries of the following voting precincts and wards: 056, 057, 058, 059, 060, 063, 064, 072;

(6) SENATE DISTRICT 6. That portion of Knox County included within the boundaries of the following voting precincts and wards: 027, 028, 029, 031, 032, 033, 034, 035, 036, 037, 038, 039, 049, 051, 061, 065, 069, 071, 074, 076, 077, 078, 079, 080, 081, 082, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093, E26, F25, Q24, S24, V25, W26;

(7) SENATE DISTRICT 7. That portion of Knox County included within the boundaries of the following voting precincts and wards: 006, 009, 012, 013, 018, 020, 021, 030, 040, 041, 042, 043, 044, 045, 046, 047, 048, 055, 062, 067(A), 067(B), 068(A), 068(B), 084(C), 068(D), 070, 075, E11, E14, E15, E17, L19, M14, N10, N16, N23, N24, N50, N66, S10, S16, S19, S23, S50, S66, W11, W15, W17;

(8) SENATE DISTRICT 8. All of Blount and Sevier Counties;

(9) SENATE DISTRICT 9. All of Bradley, Loudon, Monroe and Polk Counties;

(10) SENATE DISTRICT 10. That portion of Hamilton County included within the boundaries of the following voting precincts and wards: 01 Airport, 02 Alton Park, 03 Amnicola, 04 Avondale, 05 Bonny Oaks, 06 Brainerd, 07 Brainerd Hills, 08 Bushtown, 09 Cedar Hill, 10 City Hall, 11 Clifton Hills, 13 Courthouse, 14 Dalewood, 15 Downtown, 16 DuPont, 18 East Chattanooga, 19 East Lake, 20 East Side, 21 Eastdale, 22 Eastgate, 23 Glenwood, 25 Hixon, 26 Howard, 27 Kingsport, 28 Lake Hills, 29 Lupton City, 30 Missionary Ridge North, 32 Moccasin Bend, 34 Murray Hills, 35 North Chattanooga, 36 Northgate, 38 Northwoods South, 39 Orchard Knob, 40 Piney Woods, 42 Riverview, 43 St. Elmo, 44 Stuart Heights, 45 Sunnyside, 47 Valley View East, 48 Wauhatchie City, 49 Woodmore, 63 Summit, 66 Dallas, 68 Falling Water, 76 Red Bank 1, 83 Soddy Daisy North, 84 Soddy Daisy South;

(11) SENATE DISTRICT 11. That portion of Hamilton County included within the boundaries of the following voting precincts and wards: 12 Concord, 17 East Brainerd, 24 Highland Park, 88 Hixson 2, 31 Missionary Ridge South, 33 Mountain Creek, 37 Northwoods North, 41 Ridgedale, 46 Tyner, 50 Apison, 51 Birchwood, 52 Collegedale, 53 East Ridge 1, 54 East Ridge 2, 55 East Ridge 3, 56 East Ridge 4, 57 East Ridge 5, 58 Harrison, 59 Meadowview, 60 Ooltewah, 61 Ridgeside, 62 Snowhill, 64 Westview, 65 Bakewell, 67 Fairmount, 69 Flat Top Mountain, 70 Ganns, 71 Lakesite, 72 Lookout Mountain, 73 Middle Valley, 74 Mowbray, 75 Pleasant Grove, 77 Red Bank 2, 78 Red Bank 3, 79 Red Bank 4, 80 Sale Creek, 81 Signal Mountain East, 82 Signal Mountain West, 85B Valdeau County, 85A Valdeau County, 92 Valley View West, 86 Walden, 87A Wauhatchie County, 87B Wauhatchie County, 89 Ooltewah 2, 90 Harrison 2, 91 Westview 2;

(12) SENATE DISTRICT 12. All of Cumberland, Fentress, Morgan, Overton, Roane and Scott Counties;

(13) SENATE DISTRICT 13. All of Bledsoe, McMinn, Marion, Meigs, Rhea, Sequatchie, Van Buren and White Counties;

(14) SENATE DISTRICT 14. All of Franklin, Giles, Grundy, Lincoln, Moore and Warren Counties;

(15) SENATE DISTRICT 15. All of Cannon, Clay, Coffee, DeKalb, Jackson, Macon, Pickett and Putnam Counties;

(16) SENATE DISTRICT 16. All of Bedford and Rutherford Counties;

(17) SENATE DISTRICT 17. All of Smith, Trousdale and Wilson Counties and that portion of Davidson County included within the boundaries of the following voting precincts and wards: 13-8, 28-1, 28-3, 29-1, 29-2, 29-3, 30-2, 31-1, 31-2, 31-4, 31-5;

(18) SENATE DISTRICT 18. All of Robertson and Sumner Counties;

(19) SENATE DISTRICT 19. That portion of Davidson County included within the

boundaries of the following voting precincts and wards:, 16-1, 16-2, 16-3, 16-4, 17-1, 17-2, 17-3, 17-4, 18-2, 18-3, 19-1, 19-2, 19-3, 19-5, 19-6, 1-1, 1-3, 1-5, 1-6, 1-7, 20-1, 20-2, 20-3, 20-4, 20-5, 21-1, 21-2, 21-3, 21-4, 22-4, 25-6, 26-2A, 26-2B, 26-4, 26-5, 27-1, 2-1, 2-2, 2-3, 2-4, 3-2, 3-5, 4-2, 4-3, 5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-5, 7-1, 7-2, 7-3, 7-4;

(20) SENATE DISTRICT 20. That portion of Davidson County included within the boundaries of the following voting precincts and wards:, 10-1, 10-2, 10-3, 10-4, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 12-1, 12-2, 12-3, 12-4, 13-1, 13-2, 13-4, 13-5, 13-6, 13-7, 14-2, 14-3, 14-4, 14-5, 15-1, 15-2, 15-3, 15-4, 1-4, 27-2, 28-2, 3-1, 3-3, 3-4, 4-1, 4-4, 6-2, 6-3, 8-1, 8-2, 8-3, 8-4, 8-5, 9-1, 9-2, 9-3, 9-4, 9-5;

(21) SENATE DISTRICT 21. That portion of Davidson County included within the boundaries of the following voting precincts and wards:, 18-1, 19-4, 1-2, 22-1, 22-2, 22-3, 23-1, 23-2, 23-3, 23-4, 24-1, 24-2, 24-3, 24-4, 25-1, 25-2, 25-3, 25-4, 25-5, 25-7, 26-1, 26-3, 27-3, 27-4, 27-5, 30-1, 30-3, 30-4, 31-3, 32-1, 32-2, 32-3, 32-4, 32-5, 33-1, 33-2, 33-3A, 33-3B, 33-5, 33-6, 34-1, 34-2, 34-3, 34-4A, 34-4B, 34-5A, 34-5B, 34-6, 35-1, 35-2, 35-3, 35-4, 35-5, 33-4A, 33-4B;

(22) SENATE DISTRICT 22. All of Cheatham, Houston, Montgomery and Stewart Counties;

(23) SENATE DISTRICT 23. All of Marshall, Maury, and Williamson Counties;

(24) SENATE DISTRICT 24. All of Benton, Dyer, Henry, Lake, Obion and Weakley Counties;

(25) SENATE DISTRICT 25. All of Decatur, Dickson, Henderson, Hickman, Humphreys, Lawrence, Lewis and Perry Counties;

(26) SENATE DISTRICT 26. All of Chester, Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy and Wayne Counties;

(27) SENATE DISTRICT 27. All of Carroll, Gibson and Madison Counties;

(28) SENATE DISTRICT 28. That portion of Shelby County included within the boundaries of the following voting precincts and wards:, 6 Bartlett, 12 Bartlett, Locke, 1 McConnell's, 2 McConnell's, 38-1 Memphis, 38-3 Memphis, 41-3 Memphis, 42-1 Memphis, 42-2 Memphis, 42-3 Memphis, 43-1 Memphis, 43-2 Memphis, 53-1 Memphis, 53-2 Memphis, 53-3 Memphis, 54-1 Memphis, 54-2 Memphis, 62-1 Memphis, 62-2 Memphis, 63-1 Memphis, 69-1 Memphis, 69-2 Memphis, 70-1 Memphis, 70-2 Memphis, 70-3 Memphis, 71-1 Memphis, 71-2 Memphis, 71-3 Memphis, 71-4 Memphis, 72-1 Memphis, 72-2 Memphis, 72-3 Memphis, 72-4 Memphis, 72-5 Memphis, 72-6 Memphis, 72-7 Memphis, 83 Memphis, 84-1 Memphis, 84-2 Memphis, 85-1 Memphis, 85-2 Memphis, 86 Memphis, 87-1 Memphis, 87-2 Memphis, 87-3 Memphis, 88-1 Memphis, 88-2 Memphis, 88-3 Memphis, 90-1 Memphis, 90-2 Memphis, 90-3 Memphis, 90-4 Memphis, Woodstock, 88-4 Memphis, and the voting tabulation district in Shelby County designated by the U.S. bureau of the census as ZZZZ;

(29) SENATE DISTRICT 29. That portion of Shelby County included within the boundaries of the following voting precincts and wards:, 1 Memphis, 2 Memphis, 7 Memphis, 11-1 Memphis, 11-2 Memphis, 12 Memphis, 13-1 Memphis, 13-2 Memphis, 13-3 Memphis, 14-1 Memphis, 14-2 Memphis, 15 Memphis, 16-3 Memphis, 18 Memphis, 20-3 Memphis, 21-1 Memphis, 21-2 Memphis, 21-3 Memphis, 22 Memphis, 25-1 Memphis, 25-2 Memphis, 25-3 Memphis, 25-4 Memphis, 26-1 Memphis, 26-2 Memphis, 27-1 Memphis, 27-2 Memphis, 27-3 Memphis, 31-3 Memphis, 31-4 Memphis, 32-1 Memphis, 32-2 Memphis, 34-1 Memphis, 34-2 Memphis, 35-1 Memphis, 35-2 Memphis, 35-3 Memphis, 36-1 Memphis, 36-2 Memphis, 36-3 Memphis, 38-2 Memphis, 39 Memphis, 40-1 Memphis, 40-2 Memphis, 41-1 Memphis, 41-2 Memphis, 49-1 Memphis, 49-2 Memphis, 49-3 Memphis, 50-1 Memphis, 50-2 Memphis, 51 Memphis, 52-1 Memphis, 52-2 Memphis, 52-3 Memphis, 60-1 Memphis, 60-3 Memphis, 76-1 Memphis, 77-1 Memphis;

(30) SENATE DISTRICT 30. That portion of Shelby County included within the boundaries of the following voting precincts and wards:, 16-1 Memphis, 16-2 Memphis, 17-1 Memphis, 17-2 Memphis, 20-1 Memphis, 20-2 Memphis, 28-1 Memphis, 28-2 Memphis, 29-1

Memphis, 29-2 Memphis, 30 Memphis, 31-1
 Memphis, 31-2 Memphis, 33 Memphis, 37
 Memphis, 44-1 Memphis, 44-2 Memphis, 44-3
 Memphis, 44-4 Memphis, 44-5 Memphis, 45-1
 Memphis, 45-2 Memphis, 45-3 Memphis, 45-4
 Memphis, 46-1 Memphis, 46-2 Memphis, 46-3
 Memphis, 47-1 Memphis, 47-2 Memphis, 47-3
 Memphis, 55-1 Memphis, 57 Memphis, 58-1
 Memphis, 58-2 Memphis, 58-3 Memphis, 58-4
 Memphis, 58-5 Memphis, 59-1 Memphis, 59-2
 Memphis, 59-3 Memphis, 59-4 Memphis, 59-5
 Memphis, 61-1 Memphis, 61-2 Memphis, 65-1
 Memphis, 65-2 Memphis, 66-1 Memphis, 66-2
 Memphis, 66-3 Memphis, 73-1 Memphis, 73-2
 Memphis, 73-3 Memphis, 73-4 Memphis, 73-5
 Memphis, 73-7 Memphis, 73-9 Memphis, 74-4
 Memphis, 74-5 Memphis, 74-6 Memphis, 74-7
 Memphis, 74-9 Memphis;

(31) SENATE DISTRICT 31. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 1 Bartlett, 2 Bartlett, 3 Bartlett, 7 Bartlett, 9 Bartlett, 1 Cordova, 2 Cordova, 4 Cordova, 5 Cordova, 7 Cordova, 8 Cordova, 9 Cordova, 10 Germantown, 2 Germantown, 6 Germantown, 7 Germantown, 9 Germantown, 1 Hickory Hill, 2 Hickory Hill, 3 Hickory Hill, 4 Hickory Hill, 5 Hickory Hill, 55-2 Memphis, 56-1 Memphis, 56-2 Memphis, 63-2 Memphis, 64-1 Memphis, 64-2 Memphis, 67-1 Memphis, 67-2 Memphis, 67-3 Memphis, 68-1 Memphis, 68-2 Memphis, 68-3 Memphis, 80-1 Memphis, 80-2 Memphis, 81-1 Memphis, 81-2 Memphis, 81-3 Memphis, 81-4 Memphis, 81-5 Memphis, 81-6 Memphis, 81-7 Memphis, 89-1 Memphis, 89-2 Memphis, 2 Ross Store, 4 Ross Store, 6 Ross Store, 7 Ross Store, 8 Ross Store, 10 Ross Store;

(32) SENATE DISTRICT 32. All of Lauderdale and Tipton Counties and that portion of Shelby County included within the boundaries of the following voting precincts and wards: Arlington, 4 Bartlett, 5 Bartlett, 8 Bartlett, 10 Bartlett, 11 Bartlett, Brunswick, 1 Collierville, 2 Collierville, 3 Collierville, 4 Collierville, 5 Collierville, 3 Cordova, 6 Cordova, Eads, Forest Hills, 1 Germantown, 11 Germantown, 12 Germantown, 3 Germantown, 4 Germantown, 5 Germantown, 8 Germantown, Kerrville, Lakeland, Lucy, 1 Millington, 2 Millington, 3 Millington, 4 Millington, Morning Sun, Stewartville;

(33) SENATE DISTRICT 33. That portion of Shelby County included within the boundaries of the following voting precincts and wards: 1 Capleville, 2 Capleville, 3 Capleville, 48 Memphis, 60-2 Memphis, 60-4 Memphis, 60-5 Memphis, 60-6 Memphis, 60-7 Memphis, 60-8 Memphis, 60-9 Memphis, 73-6 Memphis, 73-8 Memphis, 74-1 Memphis, 74-2 Memphis, 74-3 Memphis, 74-8 Memphis, 75-1 Memphis, 75-10 Memphis, 75-11 Memphis, 75-12 Memphis, 75-2 Memphis, 75-3 Memphis, 75-4 Memphis, 75-5 Memphis, 75-6 Memphis, 75-7 Memphis, 75-8 Memphis, 75-9 Memphis, 76-2 Memphis, 76-3 Memphis, 76-4 Memphis, 76-5 Memphis, 76-6 Memphis, 77-2 Memphis, 77-3 Memphis, 78-1 Memphis, 78-2 Memphis, 78-3 Memphis, 78-4 Memphis, 78-5 Memphis, 79-1 Memphis, 79-2 Memphis, 79-3 Memphis, 79-4 Memphis, 79-5 Memphis, 79-6 Memphis, 79-7 Memphis, 79-8 Memphis, 79-9 Memphis, 82-1 Memphis, 82-2 Memphis, 82-3 Memphis, 1 Ross Store, 3 Ross Store, 5 Ross Store, 9 Ross Store.

(j) It is the intention of the general assembly in passing a plan apportioning the state senatorial districts to do so in a manner which complies with the constitutional mandates of the United States Constitution and the Constitution of Tennessee and applicable judicial decisions.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 2087, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	6
Present and not voting	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Curlee, Davis (Cocke), Liles, Nuber, West, Williams (Shelby) -- 6.

Representatives present and not voting were: Holcomb, Hubbard, Tullos, Venable, Williams (Union) -- 5.

A motion to reconsider was tabled.

House Bill No. 2085 -- Districting, Congressional -- Redistricts congressional districts. Amends TCA, Title 2, Ch. 16.

Rep. Ridgeway moved that House Bill No. 2085 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2085 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 2-16-103, is amended by deleting the section in its entirety and by substituting instead the following:

(a) (1) All census descriptions, counties, voting districts (VTDs), tracts, blocks, census delineations, census district lines and other census designations are those established for or by the United States department of commerce, bureau of the census, for taking the 1990 federal decennial census in Tennessee as contained in the automated geographic data base, known as the TIGER (Topologically Integrated Geographic Encoding and Referencing) System.

(2) All subdivisions listed under a county are voting districts (VTDs) unless labeled as tracts and blocks.

(b) The state of Tennessee is divided into the following nine (9) congressional districts composed as follows:

DISTRICT 1:

Carter County; Cocke County; Greene County; Hancock County; Hawkins County; Jefferson County; Johnson County;

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Knox County: 085, 086: Tract 005300 Blocks 205, 218;
Sevier County; Sullivan County; Unicoi County; Washington County;

DISTRICT 2:

Blount County;
Bradley County: 1-1 McDonald North, 1-2 Prospect (In), 1-2 Prospect (Out), 1-3 Hopewell (In), 1-3 Hopewell (Out), 2-1 E. L. Ross, 2-2 North Lee (In), 2-2 North Lee (Out A), 2-2 North Lee (Out B), 2-3 Charleston High, 2-4 Charleston City, 3-1 College Hill, 3-2 Mayfield, 3-3 Bradley Junior High, 3-4 East Cleveland, 4-1 Taylor, 4-2 Oak Grove (In), 4-2 Oak Grove (Out), 4-3 Michigan Avenue (In), 4-3 Michigan Avenue (Out), 5-1 T. C. Bower City, 5-2 Blythe Avenue, 5-3 T. C. Bower County, 5-3 T. C. Bower County, 6-5 Blue Springs: Tract 011500 Blocks 121, 123, 124, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 301, 302, 303, 304, 305, 306, 308, 309, 399B, 403, 404, 405, 406, 436, 441, 442, 443, 444, 7-1 Arnold (In), 7-1 Arnold (Out), 7-2 Stuart, 7-3 Cleveland High;

Knox County: 006, 009, 018, 020, 021, 027, 028, 029, 031, 035: Tract 004200 Blocks 102, 103, 104, 105, 106, 108, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 301, 302, 303, 304, 305, 306, 307, 308, 309, 399, Tract 005100 Blocks 105, 106, 107, 108, 109, 110, 111, 112, 201, 202, 203, 204, 205, 206, 219, 302B, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 051, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 067(A), 067(B), 068(A), 068(B), 084(C), 068(D), 069, 070, 071, 072, 073, 076, 077, 078, 079, 081, 082, 086: Tract 005300 Blocks 201, 202, 203, 204, 206, 207, 208, 209, 210, 211, 216, 220, 224, 237, 238, 239, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 299B, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 339, 362, 363, 364, 399, 087, 088, 089, 090, 091, 092, 093, E11, E17, E26, F25, L19, N10, N23, N24, N50, N66, Q24, S10, S19, S23, S24, S50, S66, V25, W11, W17, W26;

Loudon County, McMinn County, Monroe County;

DISTRICT 3:

Bradley County: 6-1 Valley View, 6-2 Flint Springs, 6-3 Waterville, 6-4 McDonald South, 6-5 Blue Springs: Tract 011500 Blocks 307, 310, 314, 318, 322, 326, 330, 435, 438, 439, 440, 445, 446,

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Franklin County, Grundy County, Hamilton County, Marion County, Meigs County, Morgan County, Polk County, Roane County, Sequatchie County;

DISTRICT 4:

Bedford County, Campbell County, Claiborne County, Coffee County, Cumberland County, Fentress County, Giles County, Grainger County, Hamblen County, Hardin County,

Knox County: 012, 013, 030, 032, 033, 034, 035: Tract 004200 Blocks 101, 107, 109, 110, 111, 112, Tract 004300 Blocks 121B, 074, 075, 080, 084, E14, E15, M14, N16, S16, W15.

Lawrence County, Lincoln County, Moore County, Pickett County, Rhea County, Scott County, Union County, Van Buren County, Warren County, Wayne County, White County;

DISTRICT 5:

Davidson County: 10-1, 10-2, 10-3, 10-4, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 12-1, 12-2, 12-3, 12-4, 13-1, 13-2: Tract 015601 Blocks 106, 108, 121, 122, 311, 312, 314, 317, 321, 322, Tract 015607 Blocks 104, 199A, 199B, 13-4, 13-5, 13-6, 13-7, 13-8, 14-2, 14-3, 14-4, 14-5, 15-1, 15-2, 15-3, 15-4, 16-1, 16-2, 16-3, 16-4, 17-1, 17-2, 17-3, 17-4, 18-1, 18-2, 18-3, 19-1, 19-2, 19-3, 19-4, 19-5, 19-6, 1-1, 1-2, 1-3 and 1-5, 1-4, 1-6, 1-7, 20-1, 20-2, 20-3, 20-4, 20-5, 21-1, 21-2, 21-3, 21-4, 22-1, 22-2, 22-3, 22-4, 23-1, 23-2, 23-3, 23-4, 24-1, 24-2, 24-3, 24-4, 25-1, 25-2, 25-3, 25-4, 25-5, 25-6, 25-7, 26-1, 26-3, 26-2A, 26-2B, 26-4, 26-5, 27-1, 27-2, 27-3, 27-4, 27-5, 28-1, 28-2, 28-3, 29-1, 29-2, 29-3, 2-1, 2-2, 2-3, 2-4, 30-1 30-2, 30-3, 30-4, 31-1, 31-2, 31-3, 31-4, 31-5, 32-1, 32-2, 32-3, 32-4, 32-5, 33-1, 33-2, 33-3A, 33-3B, 33-5 33-6 34-1, 34-2, 34-3, 34-4A, 34-4B, 34-5A, 34-5B, 34-6 35-1 35-2 35-3 35-4 35-5 3-1, 3-2, 33-4A, 33-4B, 3-3, 3-4, 3-5, 4-1, 4-2, 4-3, 4-4, 5-1, 5-2, 5-3, 5-4, 5-5, 6-1, 6-2, 6-3, 6-5, 7-1, 7-2, 7-3, 7-4, 8-1, 8-2, 8-3, 8-4, 8-5, 9-1, 9-2, 9-3, 9-4, 9-5,

Robertson County: 7-1 Adams Club House, 12-1 Bransford Element, 10-1 Catholic School, 7-2 Cedar Hill Club Ho, 9-1 The Center, 1-1 Cross Plains City, 1-2 Orlinda Club House, 5-1 Greenbrier High Sc, 8-1 Krisle School, 6-2 Mt. Sharon Cumberland, Tract 080601 Block 203, 8-3 Owens Chapel Club, 8-2 Pentecostal Church, 11-2 Springfield Skati, 7-3 Stroudsville Churc, 3-1 South Haven Christ, 4-1 Green Ridge Servic, 2-1 White House-1st Un;

DISTRICT 6:

Cannon County, Clay County,
Davidson County: 13-2, 101, 102, 103, 105,
308, 309, 310, 31, 315, 316, 318, 319, 320, 401,
402

DeKalb County, Jackson County, Macon County,
Marshall County, Overton County, Putnam County,
Rutherford County, Smith County, Sumner County,
Troup County, Williamson County, Wilson
County;

DISTRICT 7:

Cheatham County, Chester County, Decatur
County, Dickson County, Fayette County, Hardeman
County, Henderson County, Hickman County, Lewis
County, McNairy County, Maury County, Montgomery
County, Perry County

Robertson County: 6-1 Coopertown School,
6-2 Mt. Sharon Cumberland: Tract 080601 Blocks
117, 119, 201, 202, 211, 212, 213, 214, 215, 216
219, 220, 221, 222, 223, 224, 225, 226, 227, 228,
229, 233, 234, 235, 236, 237, 238, 239, 240, 241,
242, 243, 244, 245, 246, 247, 248, 249, 250, 251,
252, 253, 254, 255, 256, 257, 258, 259, 260, 261,
Tract 080700 Blocks 239, 240, 241, 243, 244, 245,
246, 250, 251, 252, 253, 11-1 Westside School,

Shelby County:, 1 Bartlett, 2 Bartlett, 3
Bartlett, 4 Bartlett, 5 Bartlett, 7 Bartlett, 8
Bartlett, 9 Bartlett, 10 Bartlett 11 Bartlett 12
Bartlett 1 Collierville, 2 Collierville, 3
Collierville, 4 Collierville, 5 Collierville, 1
Cordova, 2 Cordova, 3 Cordova, 4 Cordova, 5
Cordova, 6 Cordova, 7 Cordova, 8 Cordova, 9
Cordova, Forest Hills, 1 Germantown, 10
Germantown, 11 Germantown, 12 Germantown, 2
Germantown, 3 Germantown, 4 Germantown, 5
Germantown, 6 Germantown, 7 Germantown, 8
Germantown, 9 Germantown, 1 Hickory Hill, 2
Hickory Hill, 3 Hickory Hill, 4 Hickory Hill,
74-1 Memphis, 74-6 Memphis, 87-2 Memphis, 87-3
Memphis, 88-1 Memphis, 88-2 Memphis: Tract 020620
Block 404B, 404C, 406, 407, 408, 409, 410, 411,
412, 413, 416, 417, 418, 499B, 501, 502, 503,
504, 505, 506, 507, 508, 509, 510, 511, 512, 513,
515, 88-3 Memphis 89-1 Memphis 89-2 Memphis:
Tract 021120 Block 301, 307, 308, 309, 310, 401,
402, 403, 404, 501, 502, Morning Sun 2 Ross Store
3 Ross Store 5 Ross Store 6 Ross Store 8 Ross
Store, 10 Ross Store;

DISTRICT 8:

Benton County, Carroll County, Crockett
County, Dyer County, Gibson County, Haywood
County, Henry County, Houston County, Humphreys
County, Lake County, Lauderdale County, Madison

County, Obion County,

Shelby County:, Arlington, 6 Bartlett, Brunswick, Eads, Kerrville, Lakeland, Locke, Lucy, 1 McConnell's, 2 McConnell's, 69-1 Memphis, 69-2 Memphis, 70-1 Memphis, 70-2 Memphis, 70-3 Memphis, 71-1 Memphis, 71-2 Memphis, 71-3 Memphis, 71-4 Memphis, 72-1 Memphis, 72-2 Memphis, 72-3 Memphis, 72-4 Memphis, 72-5 Memphis, 72-6 Memphis, 84-2 Memphis, 85-1 Memphis, 85-2 Memphis, 86 Memphis, 87-1 Memphis, 88-2 Memphis: 414, 415, 514, 90-2 Memphis, 90-4 Memphis, 1 Millington, 2 Millington, 3 Millington, 4 Millington, Stewartville, Woodstock 88-4 Memphis

Stewart County, Tipton County, Weakley County

DISTRICT 9:

Shelby County: 1 Capleville, 2 Capleville, 3 Capleville, 5 Hickory Hill, 1 Memphis, 2 Memphis, 7 Memphis, 11-1 Memphis, 11-2 Memphis, 12 Memphis, 13-1 Memphis, 13-2 Memphis, 13-3 Memphis, 14-1 Memphis, 14-2 Memphis, 15 Memphis, 16-1 Memphis, 16-2 Memphis, 16-3 Memphis, 17-1 Memphis, 17-2 Memphis, 18 Memphis, 20-1 Memphis, 20-2 Memphis, 20-3 Memphis, 21-1 Memphis, 21-2 Memphis, 21-3 Memphis, 22 Memphis, 25-1 Memphis, 25-2 Memphis, 25-3 Memphis, 25-4 Memphis, 26-1 Memphis, 26-2 Memphis, 27-1 Memphis, 27-2 Memphis, 27-3 Memphis, 28-1 Memphis, 28-2 Memphis, 29-1 Memphis, 29-2 Memphis, 30 Memphis, 31-1 Memphis, 31-2 Memphis, 31-3 Memphis, 31-4 Memphis, 32-1 Memphis, 32-2 Memphis, 33 Memphis, 34-1 Memphis, 34-2 Memphis, 35-1 Memphis, 35-2 Memphis, 35-3 Memphis, 36-1 Memphis, 36-2 Memphis, 36-3 Memphis, 37 Memphis, 38-1 Memphis, 38-2 Memphis, 38-3 Memphis, 39 Memphis, 40-1 Memphis, 40-2 Memphis, 41-1 Memphis, 41-2 Memphis, 41-3 Memphis, 42-1 Memphis, 42-2 Memphis, 42-3 Memphis, 43-1 Memphis, 43-2 Memphis, 44-1 Memphis, 44-2 Memphis, 44-3 Memphis, 44-4 Memphis, 44-5 Memphis, 45-1 Memphis, 45-2 Memphis, 45-3 Memphis, 45-4 Memphis, 46-1 Memphis, 46-2 Memphis, 46-3 Memphis, 47-1 Memphis, 47-2 Memphis, 47-3 Memphis, 48 Memphis, 49-1 Memphis, 49-2 Memphis, 49-3 Memphis, 50-1 Memphis, 50-2 Memphis, 51 Memphis, 52-1 Memphis, 52-2 Memphis, 52-3 Memphis, 53-1 Memphis, 53-2 Memphis, 53-3 Memphis, 54-1 Memphis, 54-2 Memphis, 55-1 Memphis, 55-2 Memphis, 56-1 Memphis, 56-2 Memphis, 57 Memphis, 58-1 Memphis, 58-2 Memphis, 58-3 Memphis, 58-4 Memphis, 58-5 Memphis, 59-1 Memphis, 59-2 Memphis, 59-3 Memphis, 59-4 Memphis, 59-5 Memphis, 60-1 Memphis, 60-2 Memphis, 60-3 Memphis, 60-4 Memphis, 60-5

Memphis, 60-6	Memphis, 60-7	Memphis, 60-8
Memphis, 60-9	Memphis, 61-1	Memphis, 61-2
Memphis, 62-1	Memphis, 62-2	Memphis, 63-1
Memphis, 63-2	Memphis, 64-1	Memphis, 64-2
Memphis, 65-1	Memphis, 65-2	Memphis, 66-1
Memphis, 66-2	Memphis, 66-3	Memphis, 67-1
Memphis, 67-2	Memphis, 67-3	Memphis, 68-1
Memphis, 68-2	Memphis, 68-3	Memphis, 72-7
Memphis, 73-1	Memphis, 73-2	Memphis, 73-3
Memphis, 73-4	Memphis, 73-5	Memphis, 73-6
Memphis, 73-7	Memphis, 73-8	Memphis, 73-9
Memphis, 74-2	Memphis, 74-3	Memphis, 74-4
Memphis, 74-5	Memphis, 74-7	Memphis, 74-8
Memphis, 74-9	Memphis, 75-1	Memphis, 75-10
Memphis, 75-11	Memphis, 75-12	Memphis, 75-2
Memphis, 75-3	Memphis, 75-4	Memphis, 75-5
Memphis, 75-6	Memphis, 75-7	Memphis, 75-8
Memphis, 75-9	Memphis, 76-1	Memphis, 76-2
Memphis, 76-3	Memphis, 76-4	Memphis, 76-5
Memphis, 76-6	Memphis, 77-1	Memphis, 77-2
Memphis, 77-3	Memphis, 78-1	Memphis, 78-2
Memphis, 78-3	Memphis, 78-4	Memphis, 78-5
Memphis, 79-1	Memphis, 79-2	Memphis, 79-3
Memphis, 79-4	Memphis, 79-5	Memphis, 79-6
Memphis, 79-7	Memphis, 79-8	Memphis, 79-9
Memphis, 80-1	Memphis, 80-2	Memphis, 81-1
Memphis, 81-2	Memphis, 81-3	Memphis, 81-4
Memphis, 81-5	Memphis, 81-6	Memphis, 81-7
Memphis, 82-1	Memphis, 82-2	Memphis, 82-3
Memphis, 83	Memphis, 84-1	Memphis, 89-2
Memphis, 90-1	Memphis, 90-3	
Memphis, 1	Ross Store, 4	Ross Store, 7
Ross Store, 9	Ross Store,	

(c) It is the legislative intent that all congressional districts be contiguous and, toward that end, if any enumeration or voting district or other geographical entity designated as a portion of a district is found to be noncontiguous with the larger portion of such district, it shall be constituted a portion of the district smallest in population to which it is contiguous.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rigsby moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 2085 by deleting from the description of District 3 in the amendatory language of Section 1 the words "Franklin County".

AND FURTHER AMEND by inserting into the description of District 4 in the amendatory language of Section 1 the words "Franklin County".

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	63
Noes.	27
Present and not voting.	4

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McKee, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Allen, Bivens, Callicott, Chiles, Copeland, Davidson, Duer, Harrill, Hill, Holcomb, Joyce, Knight, McAfee, McDaniel, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Washington), Shirley, Sipes, Stamps, Tullos, Walley, Williams (Union), Wood -- 27.

Representatives present and not voting were: Coffey, Haun, Tindell, Whitson -- 4.

Thereupon, Rep. Purcell moved that **House Bill No. 2085**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	64
Noes.	31
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones, R (Shelby), Jones U (Shelby), Kernell, King, Kisber, Knight, Love, McKee, Moore, Niceley, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Whitson, Windle, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Bittle, Bivens, Callicott, Chiles, Copeland, Davidson, Duer, Gunnels, Haley, Halteman, Hassell, Hill, Joyce, Kent, Liles, McAfee, McDaniel, Meyer, Nuber, Peroulas

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Draper, Rigsby, Sipes, Stamps, Tullos, Walley, West, Williams (Shelby), Williams (Union), Winningham, Wix, Wood -- 31.

Representatives present and not voting were: Napier -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Buck moved to suspend the rules for the immediate introduction and passage on first consideration of House Bill No. 2879, which motion prevailed.

House Bill No. 2879 -- Lewis County -- Transfers duties of juvenile court clerk from county clerk to clerk of circuit court. Amends Chapter 509, Private Acts of 1941, as amended. by *Moore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2650 -- Opticians -- Authorizes apprentice and student dispensing opticians to perform services under supervision of optometrist or ophthalmologist, as well as dispensing optician licensed by state. Amends TCA 63-14-103.

Rep. Sipes moved that House Bill No. 2650 be passed on third and final consideration.

CHAIR TO PRO TEM

The Speaker relinquished the Chair to Rep. Bivens as Speaker pro tem.

REGULAR CALENDAR, CONTINUED

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2650 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 63-14-103(a), is amended by adding the following language at the end of subdivision (1):

Any person serving an apprenticeship since July 1, 1989, as an apprentice dispensing optician shall be entitled to make application to the board for examination.

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On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Sipes moved that **House Bill No. 2650**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 2457 -- Taxes, Real Property -- Equalizes charges imposed for redeeming property sold at tax sale on property owner and nonowner by increasing fees for nonowners. Amends TCA 67-5-2703.

On motion, House Bill No. 2457 was made to conform with Senate Bill No. 1784.

On motion, **Senate Bill No. 1784**, on same subject, was substituted for House Bill No. 2457.

Rep. Williams (Shelby) moved that **Senate Bill No. 1784** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley,

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Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1453 -- Equalization Board -- Revises fees for agents authorized to appear before board; authorizes board to adopt standards of conduct and registration of agents without formal adoption of rules. Amends TCA, Title 67.

Rep. Williams (Shelby) moved that House Bill No. 1453 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 2206 -- Psychologists -- Revises certain qualifications to practice psychology. Amends TCA, Titles 33, 40; Title 56, Ch. 7; Title 63, Ch. 11.

Rep. West moved that House Bill No. 2206 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 1447 -- Chiropractors -- Permits insurance payment for disability when injury certified. Amends TCA, Title 56, Ch. 7, Pt. 1.

On motion, House Bill No. 1447 was made to conform with Senate Bill No. 887.

On motion, **Senate Bill No. 887**, on same subject, was substituted for House Bill No. 1447.

Rep. Armstrong moved that **Senate Bill No. 887** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Thereupon, Rep. Armstrong moved that **Senate Bill No. 887** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	86
Noes.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Moore, Napier, Niceley, Odom,

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Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Chiles, Haley, Hassell, Nuber -- 4.

A motion to reconsider was tabled.

***House Bill No. 1753 -- Race Relations -- Establishes interagency coordination council on African-American family. Amends TCA, Title 71, Ch. 1.**

Rep. King moved that House Bill No. 1753 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1753 by adding the following new section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this Act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this Act unless such funds are specifically appropriated by the General Appropriations Act.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1753 by deleting subsection (b) of Section 1 in its entirety and by substituting instead the following language:

(b) The coordination council shall meet at least once each quarter in Nashville. The governor shall designate the agency and agency head who shall be chair, or whose designee shall be chair, of the coordination council. To expedite the work of the council, the chair may divide the membership of the council into two (2) or more work groups. In addition to the required quarterly meetings, the council, or a work group thereof, shall meet at such other times and places as the chair may deem necessary for

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the performance of duties and responsibilities assigned pursuant to this act.

At the request of Rep. King, House Bill No. 1753 was moved three places.

House Bill No. 2756 -- Taxes, Real Property -- Revises law concerning property tax liens. Amends TCA, Title 67, Ch. 5, Pt. 26.

Rep. Davidson moved that House Bill No. 2756 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 2725 -- Welfare -- Extends AFDC assistance to certain two parent households. Amends TCA, Title 71.

Rep. U. Jones moved that House Bill No. 2725 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2725 by adding the following new sections to be designated as Sections 2 and 3 and by renumbering the subsequent section accordingly:

SECTION 2. The provisions of subsection (b) shall only be applicable in the event that the federal government approves by statutory or regulatory change, or by policy waiver the provisions of subsection (b). Nothing herein shall be construed to require the department of human services to promulgate any rules for the AFDC program implementing subsection (b) until the criteria of subsection (b) are acceptable under federal statutory, regulatory, or policy guidelines.

SECTION 3. The provisions of this Act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this Act unless such funds are specifically appropriated by the General Appropriations Act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. U. Jones moved that **House Bill No. 2725**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	84
Noes.	2
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Duer, Givens -- 2.

Representatives present and not voting were: Coffey, Head, Robinson (Hamilton) -- 3.

A motion to reconsider was tabled.

House Bill No. 1725 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special green registration plates for off-highway vehicles to permit use on designated roads or areas in public lands in Tennessee. Amends TCA, Title 55.

Rep. Whitson moved that House Bill No. 1725 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1725 by deleting in the amendatory language of subsection (a) of Section 1 the language "of the registration fee specified in Section 55-4-111 for Class (C) vehicles" and by substituting instead the language "of a twelve dollar (\$12.00) registration fee, payable to the department of safety".

AND FURTHER AMEND by adding the following new subsection to the amendatory language of Section 1:

(d) All registration fees collected pursuant to this act shall be allocated to the department of safety.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Whitson moved that **House Bill No. 1725**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	71
Noes.	20
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bivens, Bragg, Buck, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Fowlkes, Givens, Gunnels, Halteman, Harrill, Hassell, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Winningham, Wix, Mr. Speaker Naifeh -- 71.

Representatives voting no were: Bell, Bittle, Byrd, Callicott, Coffey, Davidson, Duer, Haley, Joyce, McAfee, McDaniel, Niceley, Nuber, Phillips, Shirley, Sipes, Stamps, Tullos, Williams (Shelby), Wood -- 20.

Representatives present and not voting were: Ferguson, Haun, Windle -- 3.

A motion to reconsider was tabled.

***House Bill No. 1753 -- Race Relations -- Establishes** interagency coordination council on African-American family. Amends TCA, Title 71, Ch. 1.

Having been discussed earlier in the day at which time Amendment No. 1 was adopted, Rep. Dixon renewed the motion for adoption of Health and Human Resources Committee Amendment No. 2, which motion prevailed.

Thereupon, Rep. King moved that **House Bill No. 1753**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	81
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Halteman, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel,

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McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Wood, Mr. Speaker Naifeh -- 81.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1753 and have this statement entered in the Journal.

Rep. Jere Hargrove

REGULAR CALENDAR, CONTINUED

House Bill No. 2421 -- Taxes, Amusement -- Clarifies that amusement tax does not apply to live entertainment conducted in an establishment operated primarily for the sale of prepared food. Amends TCA 67-6-212, 215, 67-6-330.

On motion, House Bill No. 2421 was made to conform with Senate Bill No. 2557.

On motion, **Senate Bill No. 2557**, on same subject, was substituted for House Bill No. 2421.

Rep. Chiles moved that **Senate Bill No. 2557** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Chiles moved that **Senate Bill No. 2557** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	5
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart,

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Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Armstrong, Byrd, DeBerry, Haley, Stamps -- 5.

Representatives present and not voting were: Herron, Walley -- 2.

A motion to reconsider was tabled.

***House Joint Resolution No. 0627 -- Naming and Designating -- "William Kent Ford, Sr. Boat Dock".**

Rep. Holt moved that House Joint Resolution No. 627 be adopted.

Rep. Holt moved to amend as follows:

Amendment No. 1

Amend House Joint Resolution No. 627 by deleting the first resolving clause and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That we hereby direct that this boat dock shall be named the "W. K. Ford, Sr. Boat Dock".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Holt moved that **House Joint Resolution No. 627**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood,

Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Moore -- 1.

A motion to reconsider was tabled.

House Bill No. 2249 -- Law Enforcement -- Prohibits municipal or county law enforcement officer from acting as security guard after transporting individual to mental institution; requires institution to provide personnel to take charge of individual upon arrival and paying fee if officer there more than 15 minutes. Amends TCA, Title 33, Ch. 6, Pt. 1.

Rep. Kent moved that House Bill No. 2249 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2249 by deleting the language of Section 1. and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 33-6-103(e), is amended by inserting after the second sentence the following:

As an alternative to the transport of the person by the sheriff in all cases and as an alternative to T.C.A. 33-6-111, the sheriff may create a written transportation policy in conjunction with the county executive and the ambulance service serving the county and allow the person to be transported in accordance with the policy. The policy shall state the circumstances under which the sheriff may allow transport of the person by personnel of the ambulance service if such transport is available. The policy may allow transport of the person by the sheriff alone, by ambulance service personnel alone, by the sheriff accompanied by ambulance service personnel, or by ambulance service personnel accompanied by the sheriff. The creation and implementation of the policy shall be discretionary functions within the meaning and for the purpose of Section 29-20-205 of the Governmental Tort Liability Act.

and by inserting the following language or new Section 2, renumbering subsequent sections accordingly:

SECTION 2. Tennessee Code Annotated, Section 33-6-103(g), is amended by inserting in the second sentence the language "or other authority lawfully transporting the person," after the word "sheriff" and before the word "shall":

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On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Kent moved that **House Bill No. 2249**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: McAfee -- 1.

A motion to reconsider was tabled.

***House Bill No. 1766** -- Hearing and Hearing Aids -- Prohibits public universities from repairing or selling hearing aids to members of public, but can repair or sell hearing aids to university students, persons served by the division of rehabilitation services, and persons served by committee for speech and hearing services. Amends TCA, Title 49.

On motion, House Bill No. 1766 was made to conform with Senate Bill No. 2221.

On motion, **Senate Bill No. 2221**, on same subject, was substituted for House Bill No. 1766.

Rep. Kent moved that **Senate Bill No. 2221** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 2221** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2490 -- Medicine, Practice of --** Deletes provision for election of officers and quorum requirements of board of medical examiners. Amends TCA, Title 63, Ch. 6.

Rep. Herron moved that House Bill No. 2490 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 2584 -- Purchasing -- Requires commissioner of general services to award contracts within 30 days of receipt of all bids instead of with reasonable promptness. Amends TCA 12-3-203.

On motion, House Bill No. 2584 was made to conform with Senate Bill No. 2289.

On motion, **Senate Bill No. 2289**, on same subject, was substituted for House Bill No. 2584.

Rep. Kisber moved that **Senate Bill No. 2289** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 2289** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove,

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Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Copeland -- 1.

A motion to reconsider was tabled.

House Bill No. 1772 -- Sunset Laws -- Board of examiners for architects and engineers, June 30, 1999. Amends TCA, Title 4, Chs. 3, 29; Title 62, Ch. 2.

On motion, House Bill No. 1772 was made to conform with Senate Bill No. 1892.

On motion, **Senate Bill No. 1892**, on same subject, was substituted for House Bill No. 1772.

Rep. King moved that **Senate Bill No. 1892** be passed on third and final consideration.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 2.

On motion, Rep. King withdrew Government Operations Committee Amendment No. 3.

Rep. Head moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1892 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 62-2-107, is amended by deleting from subsection (b) the word and punctuation "structural,".

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. King moved that **Senate Bill No. 1892**, as amended, be passed on third and final consideration, which motion

prevailed by the following vote:

Ayes.	94
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Haley -- 1.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

House Bill No. 1730 -- Highway Signs -- "W. Atlas Turner Memorial Bridge," Madison County.

Further consideration of House Bill No. 1730, previously considered on the Consent Calendar on April 22, 1992, at which time it was reset to the Calendar for April 23, 1992.

On motion, House Bill No. 1730 was made to conform with Senate Bill No. 1770.

On motion, **Senate Bill No. 1770**, on same subject, was substituted for House Bill No. 1730.

Rep. Sipes moved that **Senate Bill No. 1770** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt,

Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1822 -- Sunset Laws -- Department of Employment Security, June 30, 1999. Amends TCA, Title 4, Chs. 3, 5, 29; Title 8, Ch. 30; Title 13, Ch. 13; Title 50, Ch. 7; Title 62, Ch. 29; Title 71, Ch. 3.

Further consideration of House Bill No. 1822, previously considered on April 22, 1992, at which time it was reset to April 23, 1992.

On motion, House Bill No. 1822 was made to conform with Senate Bill No. 1927.

On motion, **Senate Bill No. 1927**, on same subject, was substituted for House Bill No. 1822.

Rep. King moved that **Senate Bill No. 1927** be passed on third and final consideration.

Rep. King moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1927 by deleting Section 2 in its entirety and by substituting instead the following new section:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, is amended by adding the following as a new section:

Section _____. (a) The following governmental entities shall terminate on June 30, 1999:

() Department of employment security, created by § 4-3-101;

(b) Each department, commission, board, agency, or council of state government created during calendar year 1998 shall terminate on June 30, 1999.

(c) Any governmental entity which has been terminated under this section may be continued, reestablished, or restructured in accordance with this chapter.

Rep. King moved that Senate Bill No. 1927 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

***Senate Bill No. 0473** -- Election Laws -- Restricts certain political campaigning. Amends TCA 2-7-111.

Rep. West moved that Senate Bill No. 473 be reset to the Calendar for Tuesday, April 28, 1992, which motion prevailed.

House Bill No. 2519 -- Workers' Compensation -- Authorizes commissioner of labor to appoint advisory committee. Amends TCA, Title 4, Ch. 29; Title 50, Ch. 6.

Rep. Purcell moved that House Bill No. 2519 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2519 by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. This act may be known and cited as the "Worker's Compensation Reform Act of 1992".

SECTION 2. Tennessee Code Annotated, Section 50-6-102(a), is amended by adding the following new subsections to be appropriately designated:

() "Benefit review conference" means a nonadversarial, informal dispute resolution proceeding to mediate and resolve workers' compensation disputes as provided in this act;

() "Case management" means medical case management or the ongoing coordination of medical care services provided to an injured or disabled employee on all cases where medical care expenses are expected to exceed a threshold;

() "Director" means the director of the division of workers' compensation or the appointed agent of such director;

() "Division" means the division of workers' compensation of the department of labor;

() "Utilization review" means evaluation of the necessity, appropriateness, efficiency and quality of

medical care services provided to an injured or disabled employee based on medically accepted standards and an objective evaluation of the medical care services provided;

() "Workers' compensation specialist" or "specialist" means a department employee who provides information and communication services regarding workers' compensation for employees and employers and who conducts benefit review conferences and performs other duties as provided in this act; and

() "Commissioner" means the commissioner of the department of labor.

SECTION 3. Tennessee Annotated, Section 50-6-233, is amended by adding the following new subsection to be appropriately designated:

() In addition to the rulemaking authority granted in Tennessee Code Annotated, Section 50-6-118, and subsection (a) of this section, the commissioner of labor or the commissioner of commerce and insurance, as appropriate, may promulgate rules and regulations implementing the provisions of this chapter. Such rules and regulations shall be promulgated pursuant to Tennessee Code Annotated, title 4, chapter 5. The commissioner's rules and regulations shall include, but not be limited to, the following:

(1) Rules and regulations establishing minimum qualifications and training for workers' compensation specialists;

(2) Rules and regulations establishing procedures for benefit review conferences including the time within which all conferences must be held and the times within which copies of reports and agreements must be filed with the director. The rules shall prescribe a mechanism whereby written notice of all conferences, copies of agreements, and copies of reports shall be provided to the insurer, the employee, the employer, and any party to a claim. The rules shall provide guidelines relating to claims that do not require a benefit review conference;

(3) Rules and regulations to provide a civil penalty for parties to a claim who fail to attend a properly scheduled and noticed conference;

(4) Rules and regulations to provide a procedure to withhold payment from a health care provider for over-utilization of medical care or services or for ordering inappropriate medical care or services, or

for ensuring health care providers' compliance with Tennessee Code Annotated, Section 50-6-204(a)(4);

(5) Rules and regulations to provide an appeal procedure for a health care provider who has had payment withheld for over-utilization of medical care or services, or for charging amounts found to be excessive; and

(6) Rules and regulations to provide a system of case management to coordinate the medical care services provided to employees claiming benefits under this act. Such rules and regulations shall establish a threshold of medical expenses and services or other appropriate point over which all cases will be subject to case management.

SECTION 4. Tennessee Code Annotated, title 50, chapter 6, part 1, is amended by adding the following new section to be appropriately designated:

Section _____. (a) No later than January 1, 1993, there shall be created an advisory council on workers' compensation. Members of the council shall be appointed by the governor. There shall be six (6) voting members of the council with three (3) members representing employers and three (3) members representing employees. No members representing employers or employees shall be practicing attorneys. Three (3) of the original appointees shall serve for terms of two (2) years, and three (3) shall serve for terms of four (4) years. The governor shall initially appoint three (3) members who shall serve for four (4) years and three (3) members who shall serve for two (2) years. Thereafter, each member shall be appointed for four (4) years. The council shall elect a chair from its membership. The governor shall also appoint three (3) nonvoting members of the council: one (1) from an insurance company, one (1) health care provider and one (1) attorney. The commissioner of labor and the commissioner of the department of commerce and insurance or their designees shall be ex-officio, non-voting members of the council.

(b) Members of the council shall not be paid but may be reimbursed for travel expenses. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

(c) The council shall meet at least twice each year. It shall annually review workers' compensation in Tennessee and shall issue a report of its findings

and conclusions on or before January 1 of each year. The annual report shall be sent to the governor, the commissioner of commerce and insurance, the speaker of the house of representatives, the speaker of the senate, the majority and minority leaders of both houses and the chairs of all appropriate committees of each house that review the status of the workers' compensation system. In performing these responsibilities the council's role shall be strictly advisory, but may:

(1) Make recommendations to the commissioner and the commissioner of commerce and insurance relating to adoption of rules and legislation;

(2) Make recommendations to the commissioner and the commissioner of commerce and insurance regarding the method and form of statistical data collections; and

(3) Monitor the performance of the workers' compensation system in the implementation of legislative directives.

(d) The commissioner shall cooperate with the council and shall provide information and staff support as reasonably necessary and required by the council.

SECTION 5. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following as a new part to be appropriately designated:

Section 50-6-__01. (a) In order to promote health and safety in places of employment in this state, no later than January 1, 1993, every public or private employer which is subject to the Workers' Compensation Law shall establish and administer a safety committee in accordance with rules adopted pursuant to Section 50-6-__02, if the commissioner of labor finds that the employer has an experience modification factor (or rate) applied to the premium in the top twenty-five percent (25%) of all covered employers' modification factors (or rates) applied to the premium.

(b) In making determinations under subsection (a) of this section, the commissioner of labor shall utilize the most recent statistics regarding experience modification rates.

(c)(1) Every insurance company authorized to write workers' compensation insurance shall submit its modification factors (or rates) for each of its workers' compensation insureds to the commissioner of

commerce and insurance, when requested by the commissioner. On request from the commissioner of labor, the commissioner of commerce and insurance shall provide the department of labor with such information.

(2) The commissioner of labor shall establish safety committee requirements for self-insured employers pursuant to rules promulgated in accordance with Tennessee Code Annotated, title 4, chapter 5.

(3) The commissioner of commerce and insurance may assess a civil penalty of up to two thousand dollars (\$2,000) per incident for failure to comply with subdivision (1) of this subsection.

Section 50-6-__02. (a) In carrying out Section 50-6-__01, the commissioner of labor shall promulgate rules which include, but are not limited to, provisions:

(1) Prescribing the membership of the committees to ensure equal numbers of hourly employees and employer representatives as well as specifying the frequency of meetings;

(2) Requiring employers to make adequate written records of each meeting and to maintain the records subject to inspection by Tennessee occupational safety and health administration representatives; and

(3) Requiring employers to compensate employee representatives on safety committees at the regular hourly wage while the employees are engaged in safety committee training or are attending safety committee meetings.

(b) The duties and functions of safety committee shall include, but are not limited to:

(1) Assisting in establishing procedures for workplace safety inspections by the committee;

(2) Assisting in establishing procedures for investigating all safety incidents, accidents, illnesses and deaths; and

(3) Assisting in evaluating accident and illness prevention programs.

(c) The employer shall provide training for safety committee members in their duties and responsibilities provided in subsection (b).

(d) An employer operating under a collective bargaining agreement that contains provisions regulating the formation and operation of a safety committee that meets or exceeds the minimum requirements of this section and Section 50-6-__01, may apply to the commissioner of labor for a determination that the employer meets the requirements of this section and Section 50-6-__01.

Section 50-6-__03. (a) No later than January 1, 1993, the commissioner of labor may appoint a safe employment education and training advisory committee composed of the following seven (7) members having experience in and knowledge of workplace safety and health: Three (3) representing employees, three (3) representing employers and one (1) representing the insurance industry. The committee shall elect its chairperson.

(b) The members of the committee shall be appointed for a term of three (3) years and shall serve at the pleasure of the commissioner. Before the expiration of the term of a member, the commissioner shall appoint a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the commissioner of labor shall make an appointment to become immediately effective.

(c) The members shall serve without compensation but shall be entitled to travel reimbursement pursuant to comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

(d) The duties of the committee shall be determined by the commissioner of labor and shall include, but not be limited to:

(1) Recommending to the commissioner:

(A) Occupational and safety and health grant application procedures and criteria for grant approval;

(B) Occupational safety and health grant recipients; and

(C) Revocation of grants to recipients failing to comply with grant criteria established by the commissioner; and

(2) Receiving and processing occupational safety and health grants applications.

(e) The committee shall meet at the call of the commissioner but at least annually at a place, day and hour determined by the committee. The committee shall also meet at other times and places specified by a majority of the

members of the committee or the chairperson of the committee. A majority of the members of the committee constitutes a quorum for the transaction of business.

Section 50-6-__04. (a) No later than January 1, 1993, the commissioner of labor, in consultation with the safe employment education and training advisory committee, shall establish an occupational safety and health grant program to employers subject to this chapter for the sole purpose of funding the education and training of employees in safe employment practices and conduct in the employer's own business for the employer's own employees and to promote the development of employer-sponsored health and safety programs in the employer's own business for the employer's own employees.

(b) The commissioner of labor shall adopt rules establishing:

(1) Grant application procedures and criteria for grant approval; and

(2) Procedures for revocation of grants to recipients failing to comply with grant criteria established by the commissioner pursuant to this section.

(c) The commissioner of labor, after reviewing the recommendation of the safe employment education and training advisory committee, shall approve or deny an application for an occupational safety and health grant. If the commissioner approves a grant under this section, the commissioner shall set the amount of the grant awarded to the grant recipient.

(d) The commissioner of labor shall monitor grant recipients for compliance with grant criteria and procedures established by the commissioner.

(e) The grants awarded under this section shall be funded only from civil penalties arising out of Tennessee Code Annotated, title 50, chapter 3, paid to the department of labor.

Section 50-6-__05. When an employee incurs an injury compensable under this chapter, the discussion or furnishing, or failure to discuss or furnish, or failure to enforce any safety or health provision, shall not subject a labor organization representing the injured employee to any civil liability for the injury.

SECTION 6. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately designated:

Section _____. (a) It is the intent of the general assembly that quality medical care services shall be available to injured and disabled employees. It is also the legislative intent to control increasing medical costs in workers' compensation matters by establishing cost control mechanisms to ensure cost-effective delivery of medical care services by employing a program of medical case management and a program to review the utilization and quality of medical care services.

(b) A health care provider shall not pursue a private claim against a worker's compensation claimant for all or part of the costs of health care services provided to the claimant by the provider unless:

(1) The injury is finally adjudicated not to be compensable under this act;

(2) The physician or surgeon, as provided in Tennessee Code Annotated, Section 50-6-204, who was not authorized by the employer at the time the services were rendered knew that he was not an authorized physician or surgeon; or

(3) The employee knew that the physician or surgeon was not an authorized physician or surgeon; provided, however, subdivisions (2) and (3) do not apply to emergency care.

SECTION 7. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately designated:

Section _____. (a) No later than January 1, 1993, the commissioner shall establish, pursuant to the commissioner's rule and regulation-making authority, a system of case management for coordinating the medical care services provided to employees claiming benefits under this act.

(b) All cases anticipated to reach an expenditure threshold or other appropriate point established by the commissioner shall be subject to case management. Such case management shall include, but not be limited to:

(1) Developing a treatment plan to provide appropriate medical care services to an injured or disabled employee;

(2) Systematically monitoring the treatment rendered and the medical progress of the injured or disabled employee;

(3) Assessing whether alternate medical care

services are appropriate and delivered in a cost-effective manner based on acceptable medical standards;

(4) Ensuring that the injured or disabled employee is following the prescribed medical care plan; and

(5) Formulating a plan for return to work with due regard for the employee's recovery and restrictions and limitations, if any.

(c) The commissioner may contract with an independent organization, not owned by or affiliated with any carrier authorized to write workers' compensation insurance in the state of Tennessee, to assist with the administration of the provisions of this section.

(d) Nothing in this section shall prevent an employer from establishing its own program of case management that meets the guidelines promulgated by the commissioner in rules and regulations.

SECTION 8. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately designated:

Section _____. (a) No later than January 1, 1993, the commissioner of labor shall establish a system of utilization review of selected outpatient and inpatient health care providers to employees claiming benefits under the Workers' Compensation Law by providers qualified pursuant to law or the Utilization Review Accreditation Commission.

(b) The commissioner shall also establish a system of pre-admission review of all hospital admissions, except for emergency services. However, utilization review pursuant to subsection (a) and (b) of this section shall begin within one (1) working day of all emergency hospital admissions.

(c) Pursuant to the commissioner's established system of utilization review, the commissioner may contract with an independent utilization review organization, not owned by or affiliated with any carrier authorized to write workers' compensation insurance in the state of Tennessee, to provide utilization review, including peer review.

(d) Nothing in this section shall prevent an employer from electing to provide utilization review, however, if the employee, provider or any other party not contractually bound to the employer's utilization

review program disagrees with that employer's utilization review, then that employee, provider or other party shall have recourse to the commissioner's utilization review program, as provided for in this section.

(e) Pursuant to the utilization review conducted by the commissioner, including providing an opportunity for a hearing, any health care provider who is found by the commissioner to have imposed excessive charges or to have rendered inappropriate services may be subject to:

(1) A forfeiture of the right to payment for those services that are found to be excessive or inappropriate, or payment of excessive charges; or

(2) A civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000); or

(3) A temporary or permanent suspension of the right to provide medical care services for workers' compensation claims if the health care provider has established a pattern of violations.

SECTION 9. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately designated:

Section _____. No later than January 1, 1993, the commissioner of labor shall appoint a medical care advisory committee that shall:

(1) Serve at the pleasure of the commissioner;

(2) Consist of seven (7) members, a majority of whom represent health care providers;

(3) Reflect a diversity of authorized licensed health care providers available for worker's compensation;

(4) Assist the commissioner of labor in adopting regulations for employers' utilization review procedures;

(5) Report its findings, upon request, to the commissioner; and

(6) The members shall serve without compensation, but shall be entitled to travel reimbursement pursuant to comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

SECTION 10. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately numbered:

Section _____. No later than January 1, 1993, the commissioner of labor, after consultation with the Tennessee Medical Association, shall appoint a medical director who shall be the executive secretary of the medical advisory committee. The medical director may be a part-time employee, a full-time employee or a contract employee and shall perform the following functions for which he or she shall be responsible to the commissioner:

(1) Institute administrative procedures that will enable the director to evaluate medical care to effect optimal treatment in workers' compensation cases;

(2) Inquire into instances where the medical treatment or the physical rehabilitation provided appears to be deficient or incomplete and recommend corrective action when indicated;

(3) Advise on the disposition of complaints of a physician's failure to furnish adequate medical care as required by this law or by rules and regulations adopted by the commissioner, the disposition of complaints concerning other aspects of the medical management of a workers' compensation case or the failure to render required reports, and the disposition of complaints of any affected party as to unreasonable interference with the medical management of a workers' compensation case;

(4) Gather data and maintain records necessary to fulfill the medical director's responsibilities;

(5) Conduct studies and prepare and issue reports on the medical aspect of worker's compensation cases;

(6) Expedite the submission and processing of medical reports necessary to the processing of claims;

(7) Advise health care providers of their rights and responsibilities under this act and under any rules or regulations promulgated thereto;

(8) Advise the commissioner as to the reasonableness of fees for medical services in

particular cases; and

(9) Undertake such other functions as may be delegated to the medical director by the commissioner.

SECTION 11. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding the following new section to be appropriately designated:

Section _____. (a) No later than January 1, 1993, the commissioner of labor shall establish a workers' compensation specialist program to assist injured or disabled employees, persons claiming death benefits, employers and other persons in protecting their rights and obtaining information available under workers' compensation laws.

(b) A workers' compensation specialist shall meet with or otherwise provide information to or receive information from injured or disabled employees, employers, insurance carriers and health care providers on behalf of injured or disabled employees. The specialist shall conduct informal dispute resolution by holding benefit review conferences throughout the state. The conference shall be held in the county where the employee lives, unless otherwise agreed to between the parties, or otherwise directed by the commissioner.

(c) Any person employed as a specialist by the commissioner shall be ineligible to further handle cases that required his or her involvement during this employment as a specialist.

(d) A workers' compensation specialist shall examine any proposed settlement prior to suit to determine whether the employee is receiving, substantially, the benefits provided by the Workers' Compensation Law.

(e) Each employer shall notify his or her employees of the workers' compensation specialist service in a manner prescribed by the commissioner. At a minimum, said notice shall include the posting of a notice in one (1) or more conspicuous places. The notice shall include a toll-free number for employees to reach a workers' compensation specialist. The commissioner shall also describe clearly the availability of the workers' compensation specialist on the first report of accident form required by this chapter.

(f) Workers' compensation specialists shall conduct benefit review conferences. The commissioner

shall institute and maintain an education and training program for workers' compensation specialists who must be employees of the division. The specialists shall be trained in the principles and procedures of dispute mediation. The commissioner is authorized to consult or enter into contracts with the Federal Mediation and Conciliation Service or other appropriate organizations to accomplish this purpose.

(g) In conducting benefit review conferences, the workers' compensation specialist shall:

(1) Mediate disputes between the parties and assist in the adjustment of claims consistent with this act and the policies of the commissioner, before and after the benefit review conference;

(2) Thoroughly inform all parties of their rights and responsibilities under this chapter, including the right of any party to be represented by counsel of his or her choice;

(3) Ensure that all documents and information relating to the employees' wages, medical condition, and any other information pertinent the resolution of disputed issues are contained in the claim file at the conference, especially in cases in which the employee is not represented by an attorney; and

(4) Determine whether, under any proposed settlement, the employee is receiving, substantially, the benefits provided by the workers' compensation law.

(h) A workers' compensation specialist may reschedule a benefit review conference if the specialist determines that any available information pertinent to the resolution of disputed issues is not produced at the benefit review conference.

(i) The worker's compensation specialist may not take testimony but may direct questions to an employee, an employer, or a representative of an insurance carrier to supplement or clarify information in a claim file.

(j) The workers' compensation specialist shall maintain a file concerning these proceedings.

(k) Workers' compensation specialists shall not engage in litigation or determination of workers' compensation claims outside of their duties as workers' compensation specialists.

SECTION 12. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding the following new section to be appropriately designated:

Section _____. A benefit review conference is a nonadversarial, informal dispute resolution proceeding designed to:

(1) Explain, orally and in writing, the rights of the respective parties to a workers' compensation claim and the procedures necessary to protect those rights;

(2) Discuss the facts of the claim, review available information in order to evaluate the claim, and delineate the disputed issues;

(3) Mediate and resolve disputed issues by mutual agreement of the parties in accordance with this act and the policies of the commissioner;

(4) Provide an opportunity for, but not to compel, a binding settlement of some or all of the issues present at the time;

(5) Facilitate the resolution of issues without the expense of litigation or attorneys' fees for either party; and

(6) Determine, under any proposed settlement, whether any employee is receiving, substantially, the benefits provided by the Workers' Compensation Law.

SECTION 13. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) With respect to the determination of whether to initiate temporary total disability benefits or medical benefits, a workers' compensation specialist shall not be an advocate for either party, but shall decide such issues solely on the basis of the information available to such specialist without favor or presumption for or against either party. If, in light of available information, a workers' compensation specialist determines that it is appropriate to commence the payment of temporary total disability benefits and/or medical benefits to an employee, then a workers' compensation specialist may order the initiation of such benefits by an employer or the employer's workers' compensation insurer. The specialist shall order, on a form prescribed by the commissioner of labor, that such

compensation be paid.

(b) If a specialist has ordered the payment of benefits pursuant to this section, and a court finds that the injury was noncompensable, then an employer or the employer's workers' compensation insurer is entitled to a refund of all amounts paid from the second injury fund established by Tennessee Code Annotated, Section 50-6-208, within thirty (30) days of submission of appropriate evidence of such finding to the department of labor. If the refund is not made within thirty (30) days, then the employer is entitled to interest at the rate of ten percent (10%) per annum from the date the refund became overdue.

(c) Evidence of the denial of initiation of compensation ordered pursuant to this section by a workers' compensation specialist is inadmissible in a subsequent proceeding. In a case where an employer or insurer has paid benefits pursuant to an order of a workers' compensation specialist, and the employer or insurer wishes to contest the compensability of the injury, then the court shall hear the issue de novo, and no presumption of correctness shall be given to any prior determination.

(d) In addition to any other penalty provided by law, if an insurer fails to comply with a lawful order issued by a specialist, then the commissioner of labor shall advise the commissioner of commerce and insurance of such failure to comply. The commissioner of commerce and insurance may consider any failure to comply a violation of Tennessee Code Annotated, title 56, chapter 8, and subjects the insurer to the penalty provisions of Tennessee Code Annotated, Section 56-8-109.

SECTION 14. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding the following new section to be appropriately designated:

Section _____. (a) On receipt of a request from a party or on its own motion, the court may direct the parties to a disputed workers' compensation claim to meet in a benefit review conference to attempt to reach agreement on disputed issues involved in the claim.

(b) Immediately following a benefit review conference, either party may move the court to set the case for final adjudication on an expedited basis.

SECTION 15. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding the following new section to be appropriately designated:

Section _____. (a) A dispute may be resolved either in whole or in part at the benefit review conference. If the conference results in the resolution of some of the disputed issues by mutual agreement or in a settlement, the workers' compensation specialist shall reduce the agreement or the settlement to writing. The workers' compensation specialist and each party or the designated representative of the party shall sign the agreement or settlement. A settlement is not effective unless it is approved by the court in accordance with Tennessee Code Annotated, Section 50-6-206, and takes effect on the date approved.

(b) If the dispute is not entirely resolved at the benefit review conference, the workers' compensation specialist shall prepare a written report that shall also include:

(1) A statement of each agreed upon issue; and

(2) A statement of each issue raised but not agreed upon.

(c) The workers' compensation specialist shall file the signed agreement and the report with the commissioner and the court.

SECTION 16. Tennessee Code Annotated, title 50, chapter 6, part 2, is amended by adding a new section to be designated:

Section _____. (a)(1) For injuries arising on or after August 1, 1992, in cases where an injured employee is eligible to receive any permanent partial disability benefits, pursuant to Tennessee Code Annotated, Section 50-6-207(3)(A)(i) and (F), and the pre-injury employer returns the employee to employment at a wage equal to or greater than the wage the employee was receiving at the time of injury, the maximum permanent partial disability award that the employee may receive is two and one-half (2 1/2) times the medical impairment rating determined pursuant to the provisions of the American Medical Association Guides to the Evaluation of Permanent Impairment (American Medical Association), the Manual for Orthopedic Surgeons in Evaluating Permanent Physical Impairment (American Academy of Orthopedic Surgeons), or in cases not covered by either of these, an impairment rating by any appropriate method used and accepted by the medical community. In making determinations the court shall consider all pertinent factors, including lay and expert testimony, employee's age, education, skills and training, local

job opportunities, and capacity to work at types of employment available in claimant's disabled condition.

(2) In accordance with this section, the courts may reconsider upon the filing of a new cause of action the issue of industrial disability. Such reconsideration shall examine all pertinent factors, including lay and expert testimony, employee's age, education, skills and training, local job opportunities, and capacity to work at types of employment available in claimant's disabled condition. Such reconsideration may be made in appropriate cases where the employee is no longer employed by the pre-injury employer and makes application to the appropriate court within one (1) year of the employee's loss of employment if such loss of employment is within four hundred (400) weeks of the day the employee returned to work. In enlarging a previous award, the court must give the employer credit for prior benefits paid to the employee in permanent partial disability benefits, and any new award remains subject to the maximum established in subsection (b).

(b) Subject to factors provided in subsection (a) of this section, in cases for injuries on or after August 1, 1992, where an injured employee is eligible to receive permanent partial disability benefits, pursuant to Tennessee Code Annotated, Section 50-6-207(3)(A)(i) and (F), and the pre-injury employer does not return the employee to employment at a wage equal to or greater than the wage the employee was receiving at the time of injury, the maximum permanent partial disability award that the employee may receive is six (6) times the medical impairment rating determined pursuant to the provisions of the American Medical Association Guides to the Evaluation of Permanent Impairment (American Academy of Orthopedic Surgeons) or in cases not covered by either of these, an impairment rating by any appropriate method used and accepted by the medical community. In making such determinations the court shall consider all pertinent factors, including lay and expert testimony, employee's age, education, skills and training, local job opportunities, and capacity to work at types of employment available in claimant's disabled condition.

(c) The multipliers established by subsections (a) and (b) are intended to be maximum limits. If the maximum is awarded, then the court shall make specific findings of fact detailing the reasons for awarding the maximum impairment. In making such determinations the court shall consider all pertinent factors, including lay and expert testimony, employee's age,

education, skills and training, local job opportunities, and capacity to work at types of employment available in claimant's disabled condition.

SECTION 17. Tennessee Code Annotated, Section 50-6-207(4)(A), is amended by deleting the item and by substituting instead the following:

For permanent total disability as defined in subdivision (4)(B), sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the injury, subject to the maximum weekly benefit and minimum weekly benefit; provided that if the employee's average weekly wages are equal to or greater than the minimum weekly benefit he shall receive not less than the minimum weekly benefit; provided further, that if his average weekly wages are less than the minimum weekly benefit he shall receive the full amount of his average weekly wages, but in no event shall the compensation paid be less than the minimum weekly benefit. This compensation shall be paid during the period of such permanent total disability, but in no instance shall such payments extend past the employee's sixty-fifth (65th) birthday.

In no event shall the commuted portion of an award under this section exceed the value of one hundred (100) weeks of the employee's benefits. The court may commute benefits to a lump sum to pay legal fees and to pay pre-injury obligations in arrears.

Attorneys' fees in contested cases of permanent total disability shall be calculated upon the first four hundred (400) weeks of disability only.

In case an employee who is permanently and totally disabled becomes an inmate of a public institution, and provided further, that if no person or persons are wholly dependent upon such employee, then the amounts falling due during the lifetime of such employee shall be paid to such employee or to such employee's guardian, if non compos mentis, to be spent for the ward's benefit; such payments to cease upon the death of such employee.

SECTION 18. Tennessee Code Annotated, Title 50, Chapter 5, Part 2, is amended by adding the following new section to be appropriately designated:

Section _____. Notwithstanding any provision of this chapter to the contrary, the trial judge may award employees permanent partial disability benefits, not to exceed four hundred (400) weeks, in appropriate cases where permanent medical impairment is found and the employees is eligible to receive the maximum

disability award under Section 16(b) of this act. In such cases the court, on the date of maximum medical improvement, must take a specific documented finding, supported by clear and convincing evidence, of at least three (3) of the following four (4) items:

(1) The employee lacks a high school diploma or general equivalency diploma or the employee cannot read or write on a grade eight (8) level;

(2) The employee is age fifty-five (55) or older;

(3) The employee has no transferable job skills from prior vocational background and training; and

(4) The employee has no employment opportunities available locally considering the employee's permanent medical condition.

SECTION 19. (a) Tennessee Code Annotated, Section 50-6-102(a)(7)(B), is amended in the first sentence by inserting the language "and before August 1, 1992" immediately after the language "July 1, 1991".

(b) Tennessee Code Annotated, Section 50-6-102(a)(7)(B), is amended by deleting the last sentence in its entirety and by substituting instead the following:

(C) For injuries occurring on or after August 1, 1992 through June 30, 1993, the maximum weekly benefits shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to seventy-eight percent (78%) of the state's average weekly wage as determined by the department of employment security for the state;

(D) For injuries occurring on or after July 1, 1993 through June 30, 1994, the maximum weekly benefits shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to eighty-two and four-tenths percent (82.4%) of the state's average weekly wage as determined by the department of employment security for the state;

(E) For injuries occurring on or after July 1, 1994 through June 30, 1995, the maximum weekly benefit shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to eighty-six and eight-tenths percent (86.8%) of the state's average weekly wage as determined by the department of employment security for the state;

(F) For injuries occurring on or after July 1, 1995 through June 30, 1996, the maximum weekly benefit shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to ninety-one and two-tenths percent (91.2%) of the state's average weekly wage as determined by the department of employment security for the state;

(G) For injuries occurring on or after July 1, 1996 through June 30, 1997, the maximum weekly benefits shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to ninety-five and six-tenths percent (95.6%) of the state's average weekly wage as determined by the department of employment security for the state; and

(H) For injuries occurring on or after July 1, 1997, the maximum weekly benefits shall be sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage up to one hundred percent (100%) of the state's average weekly wage as determined by the department of employment security for the state.

As used in subdivision 50-6-107(a)(7), the state average weekly wage shall be determined as of the preceding January 1 and shall be adjusted annually using the data from the department of employment security and shall be effective on July 1 of each year.

SECTION 20. (a) Tennessee Code Annotated, Section 50-6-102(a)(6)(B), is amended by adding the words "and before August 1, 1992" immediately after the language "July 1, 1991".

(b) Tennessee Code Annotated, Section 50-6-102(a)(6), is further amended by adding the following language immediately after the end of item (B):

and

(C) For injuries occurring on or after July 1, 1992, shall be four hundred (400) weeks times the maximum weekly benefit except in instances of permanent total disability.

SECTION 21. Tennessee Code Annotated, title 50, chapter 6, is amended by adding a new section thereto as follows:

Section _____. (a) No person shall make or cause to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying any compensation, benefits or expenses pursuant to this chapter.

(b) No person shall present or cause to be presented any knowingly false or fraudulent written or material statement in support of, or in opposition to, any compensation pursuant to the chapter;

(c) No person shall make or cause to be made any knowingly false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from claiming benefits or pursuing a claim.

(d) A violation of this section is a Class B misdemeanor.

(e) The workers' compensation division shall investigate to determine whether any fraudulent conduct relating to workers' compensation is being practiced, and shall refer to an appropriate law enforcement agency any finding of fraud.

SECTION 22. Tennessee Code Annotated, Section 50-6-235, is amended by adding the following as a new subsection to be appropriately designated:

() Any party may introduce direct testimony from a physician through a written medical report on a form established by the commissioner of labor. The commissioner of labor shall establish by rule the form for the report. All parties shall have the right to take the physician's deposition on cross examination concerning its contents. Any written medical report sought to be introduced as evidence shall be signed by the physician making the report bearing an original signature. A reproduced medical report which is not originally signed is not admissible as evidence unless accompanied by an originally signed affidavit from the physician or the submitting attorney verifying the contents of the report. Any written medical report sought to be introduced into evidence shall include within the body of the report or as an attachment a statement of qualifications of the person making the report. The commissioner shall, by regulation, fix the fee to be charged by the physician for the preparation and filing of the report and fix penalties for a failure to file the report after a timely request for it by any interested party.

This report may be used at any stage of a worker's compensation claim in lieu of a deposition upon oral examination.

SECTION 23. Tennessee Code Annotated, title 50, chapter 6, part 4, is amended by adding the following as a new section to be appropriately designated:

Section _____. (a) In addition to any other penalty provided by law, if the commissioner determines that an employer subject to the Workers' Compensation Law willfully failed to either comply with the self-insurance requirements of this chapter or have a certificate issued by the commissioner of labor pursuant to Tennessee Code Annotated, Section 50-6-407, concerning workers' compensation insurance in effect at all times, then such employer shall be subject to penalty in an amount equal to three (3) times the average yearly workers' compensation insurance premium in the state of Tennessee for such an employer; provided, however, such penalty shall not exceed one hundred thousand dollars (\$100,000). Should an employer fail to comply with these requirements on a second or subsequent occasion, then the employer shall be prohibited from operating its business in any way until the employer provides proof of compliance.

(b) In addition to any other penalty provided by law, if the commissioner determines that an employer subject to the Workers' Compensation Law inadvertently failed either to comply with the self-insurance requirement or to have a certificate issued by the commissioner of labor pursuant to Tennessee Code Annotated, Section 50-6-407, concerning workers' compensation insurance in effect at all times, then such employer may be subject to a civil penalty which shall not exceed one hundred thousand dollars (\$100,000). The commissioner may, in the commissioner's discretion, waive any portion or all of the penalty if the employer promptly remedies any such inadvertent noncompliance.

SECTION 24. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following new section to be appropriately designated:

Section _____. If any employer knowingly, willfully, and intentionally causes a medical or wage loss claim to paid under health or sickness and accident insurance, when the employer knew that the claim arose out of a compensable work-related injury and should have been submitted under its workers' compensation insurance coverage, then such employer shall be fined five hundred dollars (\$500), and the employer may not offset any sickness and accident income benefit paid to the employee against its temporary total disability benefit payment liability due to the employee pursuant to the provisions of this act.

SECTION 25. Tennessee Code Annotated, Section 50-6-229(a), is amended by adding the following new

language at the end of the subsection:

Attorneys' fees may be paid as a partial lump sum from any award when approved and ordered by the trial judge.

SECTION 26. Tennessee Code Annotated, title 50, chapter 6, is amended by adding the following as a new part to be appropriately designated:

Section 50-6-__01. (a) This act shall be known as and may be cited as the "Workers' Compensation Insurance Fund Act of 1992".

(b)(1) There shall be established a competitive state workers' compensation insurance fund to insure employers under the Workers' Compensation Law.

(2) This fund shall operate as a non-profit insurance company and shall be subject to all requirements of law and regulation as any other insurer offering workers' compensation insurance in Tennessee pursuant to Tennessee Code Annotated, title 56, and title 50, chapter 6.

(3) This fund shall act in addition to, and not as a substitute for, an assigned risk pool.

Section 50-6-__02. When used in this chapter, the following words shall have the following meanings:

(1) "Board" means the board of directors of the competitive state compensation insurance fund;

(2) "Fund" means the competitive state compensation insurance fund;

(3) "Manager" means the manager of the competitive state compensation insurance fund; and

(4) "Personal injury" or "injury" has the meaning given to it in Tennessee Code Annotated, Section 50-6-102.

Section 50-6-__03. The fund shall be created as a non-profit independent public corporation for the purpose of insuring employers against liability for personal injuries for which their employees may be entitled to benefits under Tennessee Code Annotated, title 50, chapter 6. The fund shall be organized as a domestic insurance company.

Section 50-6-__04. (a) The board of directors shall initially consist of seven (7) members appointed by the governor, and shall also include the

commissioner of labor, the commissioner of commerce and insurance, the comptroller and the state treasurer, who shall be ex-officio members. Each director shall hold office until a successor is appointed and qualifies. The initial membership terms shall be two (2) years. The board shall annually elect a chairperson from among its members and other officers it deems necessary for the performance of its duties.

(b)(1) Once the fund is operational and has repaid to the state any funds provided for start-up costs, then on the next scheduled expiration of board members' terms, the board shall be elected by policyholders. Ex-officio members shall cease to be members of the board.

(2) Such successor board shall consist of seven (7) members selected by policyholders for three (3) year terms. The board shall have staggered terms with the first policyholder-selected board consisting of three (3) members selected for a three (3) year term, two (2) members selected for a two (2) year term, and two (2) members selected for a one (1) year term.

Section 50-6-__05. The management and control of the fund shall be vested solely in the board.

Section 50-6-__06. The board shall be vested with full power, authority, and jurisdiction over the fund. The board may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by it under the provisions of this chapter, as fully and completely as the governing body of a private insurance carrier to fulfill the objectives and intent of this act.

The state board may invest assets as permitted by Tennessee Code Annotated, Section 56-3-402.

Section 50-6-__07. The fund shall be under the administrative control of the manager appointed by the board pursuant to Section 50-6-__11 of this act.

Section 50-6-__08. The members of the board and officers or employees of the fund shall not be liable personally, either jointly or severally, for any debt or obligation created or incurred by the fund.

Section 50-6-__09. The fund shall insure an employer against any workers' compensation claim

arising out of and in the course of employment, as fully as any other insurer.

Section 50-6-__10. For purposes of exercising the specific powers granted in this act and carrying out the other purposes of this act, the fund:

- (a) May sue and be sued;
- (b) May have a seal and alter it at will;
- (c) May make, amend, and repeal rules relating to the conduct of the business of the fund;
- (d) May enter into contracts relating to the administration of the fund;
- (e) May rent, lease, buy, or sell property in its own name and may construct or repair buildings necessary to provide space for its operations;
- (f) May declare a dividend when there is an excess of assets over liabilities, and minimum surplus requirements;
- (g) May pay medical expenses, rehabilitation expenses, compensation due claimants of insured employers, pay salaries, and pay administrative and other expenses;
- (h) May hire personnel and set salaries and compensation; and
- (i) May perform all other functions and exercise all other powers of a domestic insurance company that are necessary, appropriate, or convenient to administer the fund.

Section 50-6-__11. The board shall appoint a manager of the fund who shall be in charge of the day-to-day operation of the fund. The manager shall have proven successful experience as an insurance executive at the general management level. The manager shall receive compensation as set by the board and shall serve at the pleasure of the board.

Section 50-6-__12. Before entering on the duties of the office, the manager shall qualify by giving an official bond in an amount and with sureties approved by the board. The manager shall file the bond with the secretary of state. The premium for the bond shall be paid by the

fund from the account established in Section 50-6-__14 of this act.

Section 50-6-__13. Subject to the authority of the board and the provisions of this act, the manager has the powers and duties prescribed in this section.

The manager shall make safety inspections of risks and furnish advisory services to employers on safety and health measures. The manager may act for the fund collecting and disbursing money necessary to administer the fund and conduct the business of the fund. The manager shall have an abstract summary of any audit or survey conducted. The manager may perform all acts necessary in the exercise of any power, authority, or jurisdiction over the fund, either in the administration of the fund or in connection with the insurance business to be carried on by the fund under this act including the establishment of premium rates pursuant to law.

Section 50-6-__14. There is hereby created and established under the jurisdiction and control of the fund a revolving account known as the "state compensation account".

The manager shall deliver all money collected or received under this act to the account.

The money in the account may be used by the fund in carrying out the purpose under this act.

Section 50-6-__15. All premiums and other money paid to the fund, all property and securities acquired through the use of money belonging to the fund, and all interest and dividends earned upon money belonging to the fund and deposited or invested by the fund are the sole property of the fund and shall be used exclusively for the operation and obligations of the fund. The money of the fund is not state property. The employees of the fund shall not be considered state employees.

Section 50-6-__16. The fund shall not receive any state appropriation at any time other than as provided by Section 50-6-__20 of this act.

Section 50-6-__17. The fund shall not be considered state agency for any purpose.

Section 50-6-__18. Private independent insurance agents licensed to sell workers' compensation insurance in this state may sell insurance coverage for the fund according to rules adopted by the board. The board shall by rule also establish a schedule of commissions which the fund will pay for the services of an agent.

Section 50-6-__19. The manager shall submit an annual report to the governor and general assembly indicating the business done by the fund the previous year and containing a statement of the resources and liabilities of the fund.

Section 50-6-__20. The state of Tennessee is hereby authorized to issue bonds in accordance with law or appropriate funds in the general appropriations act to the competitive state compensation insurance fund for start-up costs to be repaid pursuant to terms set by authorizing legislation for issuance of such bonds or appropriated funds.

Section 50-6-__21. The members of the board of directors shall be appointed no later than August 1, 1992. The board shall act promptly to hire a manager, hire necessary employees, and acquire necessary facilities and supplies to begin operations. The fund shall begin providing workers' compensation insurance coverage when the board determines that the fund is able to do so and all requirements under state law have been met. The fund shall not issue insurance policies to employers until the approval of the director of the division of state audit has been obtained.

Section 50-6-__22. The manager shall annually report to the general assembly, governor, and the director of the division of state audit the operations of the fund up to that date. The report shall include but not be limited to:

- (1) The volume of premiums insured through the state fund and its share of the state workers' compensation insurance market;

- (2) The percent division of premium dollars among various types of benefit payments and administrative costs for policies and claims under the state fund;

- (3) The average rate of return enjoyed by the state fund on its invested assets;

(4) Recommendations concerning desirable changes in the state fund to promote its prompt and efficient administration of policies and claims;

(5) A recommendation to the general assembly and governor regarding the continued operation of the fund;

(6) A full report concerning reserve practices including any actuarial analysis of the funds reserved; and

(7) Any other information the director deems appropriate.

Section 50-6-__23. Before the fund established by this part shall enter into any contract, except for consulting services, or issue any bonds, or incur any liability, the board of directors shall submit organizational and operating plans for the fund to a review committee for approval by March 1, 1993. The review committee shall consist of the commissioner of labor, the commissioner of commerce and insurance, the commissioner of finance and administration, the state treasurer, and the comptroller of the treasury. The review committee shall approve such operational and organizational plans if it determines such plans to be in accord with the provisions of this part and to be fiscally sound and responsible. If the committee approves the plan, then the fund may become fully operational on July 1, 1993. If the committee does not approve the plan, then the committee shall make appropriate recommendations to the board of directors, governor, and the speakers of the senate and house of representatives of the general assembly concerning any deficiencies.

SECTION 27. Tennessee Code Annotated, title 50, chapter 6, part 4, is amended by adding the following new section to be appropriately designated:

Section ____. Beginning January 1, 1993, every workers' compensation insurer which provides insurance for Tennessee workers' compensation claims, and every workers' compensation division-approved self-insured employer, shall be required to maintain a workers' compensation claims office or to contract with a claims adjuster located within the borders of the state of Tennessee. Such claims office or adjuster shall have authority to commence temporary total disability benefits and medical benefits if so ordered

by the claims coordinator or by a court at a show cause hearing.

SECTION 28. (a) Tennessee Code Annotated, Section 50-6-102(a)(8)(D), is amended by inserting the language "and before July 1, 1993" immediately after the language "July 1, 1988".

(b) Tennessee Code Annotated, Section 50-6-102(a)(8), is amended by adding the following at the end of the subdivision as a new item:

and

(E) For injuries occurring on or after July 1, 1993, the minimum weekly wage shall be fifteen percent (15%) of the state's average weekly wage as determined by the department of employment security.

SECTION 29. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable

SECTION 30. (a) Within six (6) months of the establishment of a state fund pursuant to Section 26 of Amendment No. 1, the manager shall prepare and submit to all eligible parties a request for proposals (RFP) for a preferred provider program for employers with workers' compensation coverage.

(b) The RFP shall contain the following:

(1) A successful bidder must have a contract to receive health services for its members from more than one hundred (100) hospitals in the state;

(2) A successful bidder must have a contract to receive health services for its members from a hospital in each area of the state so that an injured employee can reach a hospital within thirty (30) minutes by motor vehicle;

(3) A successful bidder must have a contract to receive health services for its members from more than four thousand (4,000) physicians in the state; and

(4) A successful bidder must have a contract to receive health services for its members from at least one (1) physician in every county in the state.

(c) Using fiscal year 1991 as a base year, the commissioner shall determine if participation in the preferred provider organization for workers' compensation coverage has resulted in any reduction in medical costs for participating employers. If the commissioner determines a significant cost savings has been achieved, then the commissioner shall promulgate rules and regulations to ensure that the cost savings are returned to participating employers.

SECTION 31. This act shall take effect on July 1, 1992, except for Section 17 which shall take effect on August 1, 1992, the public welfare requiring it.

Rep. Clark moved that Amendment No. 1 to Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Clark moved to amend as follows:

Amendment No. 2 to Amendment No. 1

AMEND House Bill No. 2519 by deleting in the second sentence of Section 18 the language "by clear and convincing".

AND FURTHER AMEND by deleting the word and figure "three (3)" from the second sentence of Section 18 and by substituting instead the word and figure "two (2)".

AND FURTHER AMEND by deleting the word "no" from subdivisions (3) and (4) of Section 18 and by substituting instead the language "significantly limited".

Rep. Purcell moved that Amendment No. 2 to Amendment 1 be tabled, which motion prevailed by the following vote:

Ayes.	47
Noes.	43
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Curlee, Davis (Gibson), Givens, Gunnels, Haley, Halteman, Head, Hillis, Holcomb, Holt, Hubbard, Joyce, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Nuber, Peroulas Draper, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Venable, Walley, Whitson, Wood, Mr. Speaker Naifeh -- 47.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Chumney, Clark, Cole, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Hargrove, Hassell, Haun, Herron, Hill, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Love, Niceley, Odom, Phillips, Pruitt, Robinson (Washington), Shirley, Sipes,

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Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Williams (Union), Windle, Winningham, Wix -- 43.

Representatives present and not voting were: Fowlkes, Robinson (Hamilton) -- 2.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes.	67
Noes.	23

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davis (Gibson), Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Jones R (Shelby), Joyce, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Venable, Walley, West, Whitson, Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Armstrong, Buck, Callicott, Chumney, Clark, Davidson, DeBerry, Dixon, Ferguson, Fowlkes, Hargrove, Jackson, Jones U (Shelby), Kent, Kernell, Nuber, Odom, Shirley, Tullos, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Windle -- 23.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes.	82
Noes.	10

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hassell, Head, Herron, Hill, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Buck, Copeland, Cross, Haun, Holcomb, Hubbard, Robinson (Washington), Venable, Williams (Union), Windle -- 10.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2519 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes	91
Noes	0
Present and Not Voting	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R. (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson(Davidson), Robinson, (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Jones U (Shelby) -- 1.

RECESS MOTION

Rep. Buck moved to adjourn until 10:00 a.m., Tuesday, April 28, 1992, which motion failed by the following vote:

Ayes	36
Noes	53
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bell, Buck, Chumney, Clark, Copeland, Cross, Duer, Ferguson, Hargrove, Hassell, Holcomb, Hubbard, Jackson, Jones U (Shelby), Joyce, Kernell, Knight, Meyer, Niceley, Nuber, Odom, Rigsby, Rinks, Robinson (Washington), Shirley, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Whitson, Williams (Shelby), Williams (Union), Windle -- 36.

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Representatives voting no were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Gibson), Dixon, Fowlkes, Givens, Gunnels, Haley, Halteman, Haun, Head, Herron, Hill, Hillis, Holt, Johnson, Kent, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Moore, Napier, Peroulas Draper, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Sipes, Turner (Hamilton), Walley, West, Wix, Wood, Mr. Speaker Naifeh -- 53.

Representatives present and not voting were: Robinson (Hamilton) -- 1.

REGULAR CALENDAR, CONTINUED

Rep. Clark moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2519 by deleting in the amendatory language of Section 18 the language "clear and convincing" and by substituting the language "the".

Rep. Purcell moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	59
Noes.	34
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Duer, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Joyce, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas Draper, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Venable, Walley, Whitson, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Chumney, Clark, Cross, DeBerry, Dixon, Ferguson, Hargrove, Herron, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Love, Nuber, Odom, Phillips, Pruitt, Robinson (Washington), Shirley, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Williams (Union), Windle -- 34.

Representatives present and not voting were: Fowlkes -- 1.

Rep. Clark moved to amend as follows:

Amendment No. 4

Amend House Bill No. 2519 by deleting in subdivision (3) of

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the amendatory language of Section 18 the language "transferable job skills" and by substituting instead the language "significant transferable job skills".

Rep. Purcell moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes.	54
Noes.	38
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Collier, Copeland, Crain, Curlee, Davis (Gibson), Duer, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Johnson, Jones R (Shelby), Joyce, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Severance, Sipes, Walley, Whitson, Wix, Wood, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Chumney, Clark, Cole, Cross, Davidson, DeBerry, Dixon, Ferguson, Hargrove, Herron, Hubbard, Jackson, Jones U (Shelby), Kent, Kernell, King, Love, Odom, Peroulas Draper, Phillips, Pruitt, Robinson (Washington), Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Williams (Shelby), Williams (Union), Windle, Winningham -- 38.

Representatives present and not voting were: Fowlkes, Robinson (Hamilton) -- 2.

Rep. Clark moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Arriola moved to amend as follows:

Amendment No. 6

Amend House Bill No. 2519 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 50-6-401(b), is amended by adding a new item thereto, as follows:

() (A) The tax of four percent (4%) on premiums collected for workers' compensation insurance shall be placed in a special fund called the "Workers' Compensation Fund". Moneys in the fund shall be allocated solely for implementing workers' compensation programs in this state.

(B) If the amount of moneys in the Workers'

Compensation Fund exceeds by fifty percent (50%) the amount of expenditures for the prior fiscal year and the fund has more than ten million dollars (\$10,000,000) in reserves, then the commissioner of commerce and insurance shall adjust the premium rate so that moneys in the fund for the next fiscal year, after expenditures, are not projected to exceed ten million dollars (\$10,000,000).

Rep. Purcell moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes.	50
Noes.	43

Representatives voting aye were: Anderson, Bittle, Bivens, Bragg, Byrd, Chiles, Collier, Crain, Curlee, Davis (Gibson), DeBerry, Dixon, Fowlkes, Givens, Gunnels, Haley, Halteman, Head, Herron, Hill, Hillis, Holt, Johnson, Jones R (Shelby), Kisber, Knight, Love, McAfee, McKee, Meyer, Moore, Napier, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Sipes, West, Whitson, Wix, Wood, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Callicott, Chumney, Clark, Coffey, Cole, Copeland, Cross, Davidson, Duer, Ferguson, Hargrove, Hassell, Haun, Holcomb, Hubbard, Jackson, Jones U (Shelby), Joyce, Kent, Kernell, King, Liles, McDaniel, Niceley, Peroulas Draper, Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Windle, Winningham -- 43.

Rep. Hargrove moved to amend as follows:

Amendment No. 7

Amend House Bill No. 2519 by adding at the end of Section 19 the following new subdivision:

(1) For injuries occurring on or after August 1, 1992, to persons earning less than sixty percent (60%) of the state's average weekly wage, the maximum weekly benefits under all provisions of this act shall be eighty-five percent (85%) of the person's average weekly wage.

Rep. Purcell moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes.	56
Noes.	33
Present and not voting.	3

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Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davis (Gibson), Duer, Fowlkes, Givens, Gunnels, Haley, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Joyce, Kisber, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Venable, Walley, West, Whitson, Wix, Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Armstrong, Arriola, Bell, Buck, Chumney, Cole, Cross, Davidson, DeBerry, Dixon, Ferguson, Halteman, Hargrove, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Love, McKee, Pruitt, Robinson (Washington), Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Williams (Union), Windle, Winningham -- 33.

Representatives present and not voting were: Harrill, Knight, Rigsby -- 3.

Rep. Hargrove moved to amend as follows:

Amendment No. 8

Amend House Bill No. 2519 by deleting the last sentence of Section 22 and by substituting instead the following:

The written medical report of a treating or examining physician shall be admissible at any stage of a workers' compensation claim in lieu of a deposition upon oral examination, if notice of intent to use the sworn statement is provided to the opposing party or counsel not less than twenty (20) days before the date of intended use. If no objection is filed within ten (10) days of the receipt of such notice, the sworn statement shall be admissible as herein described.

Rep. Purcell moved the previous question, which motion prevailed.

On motion, Amendment No. 8 was adopted by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Rep. Purcell moved that House Bill No. 2519, as amended, be passed on third and final consideration.

Rep. Kernell moved that House Bill No. 2519 be reset to the Calendar for Tuesday, April 28, 1992.

Rep. Chiles moved to table the motion to reset, which motion prevailed by the following vote:

Ayes.	69
Noes.	24

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Gibson), Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Haun, Head, Herron, Hill, Hillis, Holt, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Turner (Hamilton), Walley, West, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Buck, Chumney, Clark, Cross, DeBerry, Hassell, Holcomb, Hubbard, Jackson, Jones U (Shelby), Kernell, King, Niceley, Odom, Robinson (Washington), Shirley, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Whitson, Williams (Shelby), Williams (Union) -- 24.

Rep. Davis (Gibson) moved the previous question, which motion prevailed by the following vote:

Ayes.	67
Noes.	24

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hassell, Haun, Herron, Hill, Hillis, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Walley, West, Whitson, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Armstrong, Arriola, Buck, Chumney, Clark, Copeland, DeBerry, Dixon, Duer, Holcomb, Jones U (Shelby), Kent, Kernell, Peroulas Draper, Stamps, Tindell, Tullios,

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Turner (Hamilton), Turner (Shelby), Venable, Williams (Shelby), Williams (Union), Windle, Wood -- 24.

Thereupon, Rep. Purcell moved that **House Bill No. 2519**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	16

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Turner (Shelby), Walley, West, Whitson, Wix, Wood, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Buck, Cross, Hubbard, Jones U (Shelby), Kernell, Rigsby, Robinson (Washington), Shirley, Tindell, Tullos, Turner (Hamilton), Venable, Williams (Shelby), Williams (Union), Windle, Winningham -- 16.

A motion to reconsider was tabled.

MESSAGE CALENDAR

Rep. Chiles moved that the Message Calendar be reset to Tuesday, April 28, 1992, which motion prevailed. Bills reset were as follows: House Bill(s) No(s). 1817.

Pursuant to Rule No. 59, as suspended, the following bills were placed on the Message Calendar for Tuesday, April 28, 1992: House Bills Nos. 1187, 1652, 1687, 2115 and 2235; also, Senate Bills Nos. 2554.

UNFINISHED BUSINESS

SPECIAL CONSENT CALENDAR

House Resolution No. 0210 -- Memorials, Interns -- Helen Delana Rogers Ralston. by *Davidson, *Jones U, *Winningham.

Introduced; placed on special consent calendar.

House Resolution No. 0211 -- Memorials, Professional and Business Achievement -- Randy Gilmore, Teacher of the Year. by *Venable, *Hubbard.

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Introduced; placed on special consent calendar.

House Resolution No. 0212 -- Memorials, Professional and Business Achievement -- Mitzi Hall, Teacher of the Year. by *Venable, *Hubbard.

Introduced; placed on special consent calendar.

House Resolution No. 0213 -- Memorials, Professional and Business Achievement -- Teddi McMurray, Teacher of the Year. by *Venable, *Hubbard.

Introduced; placed on special consent calendar.

House Resolution No. 0214 -- Memorials, Sports -- Bellevue Junior Pro girls' basketball team. by *Odom, *Halteman, *Pruitt, *Clark, *West, *Robinson Robb, *Love, *Purcell, *Arriola.

Introduced; placed on special consent calendar.

House Resolution No. 0215 -- Memorials, Professional and Business Achievement -- Phyllis Nottingham, Teacher of the Year. by *Venable, *Hubbard.

Introduced; placed on special consent calendar.

House Resolution No. 0216 -- Memorials, Public Service -- Justice Unity Generosity and Service Organization, "JUGS". by *King, *Jones R, *Chumney, *Kernell, *Dixon, *Jones U, *DeBerry, *Williams K, *Turner L.

Introduced; placed on special consent calendar.

House Resolution No. 0217 -- Memorials, Sports -- Bud and Julia Brooks Day. by *Davis Ray.

Introduced; placed on special consent calendar.

Senate Joint Resolution No. 0460 -- Memorials, Interns -- Polly Dorris.

Placed on special consent calendar.

Senate Joint Resolution No. 0461 -- Memorials, Professional and Business Achievement -- Carolyn Bingham, Teacher of the Year.

Placed on special consent calendar.

Senate Joint Resolution No. 0463 -- Memorials, Sports -- Richard Petty.

Placed on special consent calendar.

Senate Joint Resolution No. 0467 -- Memorials, Public Service -- David R. Carlisle, Principal of Riverdale Elementary School.

THURSDAY, APRIL 23, 1992 -- EIGHTY-EIGHTH LEGISLATIVE DAY

Placed on special consent calendar.

Senate Joint Resolution No. 0468 -- Memorials, Interns -- Jill Melissa Erwin.

Placed on special consent calendar.

Senate Joint Resolution No. 0469 -- Memorials, Interns -- Jacqueline Michelle Tyl.

Placed on special consent calendar.

Senate Joint Resolution No. 0470 -- Memorials, Sports -- Southside boys' basketball team.

Placed on special consent calendar.

Senate Joint Resolution No. 0471 -- Memorials, Sports -- Union City High School boys' basketball team.

Placed on special consent calendar.

Senate Joint Resolution No. 0474 -- Memorials, Sports -- Memphis State University men's basketball team.

Placed on special consent calendar.

Senate Joint Resolution No. 0478 -- Memorials, Retirement -- Judge Joseph David Duncan.

Placed on special consent calendar.

Senate Joint Resolution No. 0479 -- Memorials, Personal Achievement -- Greg Lockhart, National Junior Honor Society.

Placed on special consent calendar.

Senate Joint Resolution No. 0480 -- Memorials, Personal Occasion -- Clyde and Daisy Smothers, 70th wedding anniversary.

Placed on special consent calendar.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved to suspend the rules so that, House Joint Resolution No. 690 could be recalled from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

House Joint Resolution No. 0690 -- Memorials, Government Officials -- Urges Corps of Engineers to approve proposal to build new marina on Center Hill Lake.

On motion of Rep. Hargrove, the resolution was adopted by the following vote:

Ayes.	92
Noes.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Buck, Crain -- 2.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Kernell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 711 out of order, which motion prevailed.

House Joint Resolution No. 0711 -- Naming and Designating -- "Earthquake Awareness Week," October 11-17, 1992. by *Kernell, *King, *Pinion, *Crain, *Holt, *Kisber, *Nuber, *Jones R, *Kent, *Haley, *Davis Ray, *Walley, *Sipes, *Naifeh, *Byrd, *Peroulas Draper, *McDaniel, *Tullos, *Williams K, *Hassell, *Jones U, *Chumney, *Turner L, *Dixon, *Herron, *Knight, *Severance, *Shirley, *DeBerry, *Purcell, *Ridgeway, *Collier, *Rinks, *Hill, *Armstrong.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kernell, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. King moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bills Nos. 2818, 2819, 2820 and 2821 can be heard by the Government Operations Committee later today, which motion prevailed.

RULES SUSPENDED

Rep. Purcell move that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 488**, which motion prevailed.

Senate Joint Resolution No. 0488 -- General Assembly, Adjournment, Recess -- Recesses Senate April 23 until 9:00 a.m., April 28; recesses House on April 23 until 1:00 p.m. April 28.

Rep. Purcell moved that **Senate Joint Resolution No. 488** be concurred in.

Rep. Purcell moved to amend as follows:

Amendment No. 1

Amend Senate Joint Resolution No. 488 by deleting from the second resolving clause the language "1:00 p.m." and by substituting instead the language "10:00 a.m."

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **Senate Joint Resolution No. 488**, as amended, be concurred in, which motion prevailed.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1894: Rep(s). Kisber and Odom as prime sponsor(s).

House Bill No. 1906: Rep(s). Allen and Kernell as prime sponsor(s).

House Bill No. 2129: Rep(s). B. Turner (Hamilton) as prime sponsor(s).

House Bill No. 2433: Rep(s). Hargrove and Meyer as prime sponsor(s).

House Bill No. 2519: Rep(s). Knight and Givens as prime sponsor(s).

House Bill No. 2584: Rep(s). Knight as prime sponsor(s).

House Bill No. 2690: Rep(s). Bell and Knight as prime sponsor(s).

House Bill No. 2719: Rep(s). Johnson as prime sponsor(s).

House Joint Resolution No. 627: Rep(s). Haun as prime sponsor(s).

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage or substitution of said bill.

House Bill No. 538: Rep(s). Williams (Union) as prime sponsor(s).

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2873 -- Morgan County -- Abolishes office of at-large school district commissioner. Amends Chapter 362, Private Acts of 1941, as amended. by *Windle.

Passed first consideration.

House Bill No. 2875 -- Lafollette -- Gives city judge concurrent jurisdiction with general sessions court for violations occurring in city. Amends Chapter 161, Acts of 1897, as amended. by *Williams M.

Passed first consideration.

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House Bill No. 2877 -- Portland -- Revises salary provisions of city charter. Amends Chapter 176, Private Acts of 1992. by *Wix.

Passed first consideration.

House Bill No. 2878 -- Smithville -- Makes office of mayor full-time position with salary of no more than \$1,000 per month upon approval by referendum in June, 1992 election. Amends Chapter 486, Private Acts of 1941, as amended. by *Buck.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

***House Bill No. 2868** -- Schools, Private -- Passed second consideration and referred to the Calendar and Rules Committee.

House Bill No. 2869 -- Gibson -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2870 -- Milan -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2871 -- Hamilton County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2872 -- Carter County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

***House Bill No. 2874** -- County Officers -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

***House Bill No. 2876** -- Education -- Passed second consideration and referred to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

GOVERNMENT OPERATIONS
April 23, 1992

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2818, 2819, 2820 and 2821.

KING, Chair.

Under the rules, House Bill(s) No(s). 2818, 2819, 2820 and 2821 was/were transmitted to the Calendar and Rules Committee.

JUDICIARY
April 23, 1992

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 2329 and 2831.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 2329 and 2831 was/were transmitted to the Calendar and Rules Committee.

ENROLLED BILLS
April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 558, 559, 1705, 1764, 2033, 2301, 2405, 2453, 2623, 2704, 2712, 2787, 2845, 2846, 2847, 2848, 2850, 2851 and 2852; House Resolution(s) No(s). 208 and 209; also, House Joint Resolution(s) No(s). 655, 660, 661, 663, 667, 669, 670, 671, 672, 674, 675, 677, 681, 697 and 698; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 23, 1992

The Speaker announced that he had signed the following: House Bill(s) No(s). 558, 559, 1705, 1764, 2033, 2301, 2405, 2453, 2623, 2704, 2712, 2787, 2845, 2846, 2847, 2848, 2850, 2851 and 2852; House Joint Resolution(s) No(s). 655, 660, 661, 663, 667, 669, 670, 671, 672, 674, 675, 677, 681, 697 and 698; also, House Resolution(s) No(s). 208 and 209.

ENGROSSED BILLS
April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1725, 1753, 2085, 2087, 2249, 2650 and 2725; also, House Joint Resolution(s) No(s). 627; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, APRIL 23, 1992 -- EIGHTY-EIGHTH LEGISLATIVE DAY

ENGROSSED BILLS
April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2519; also, House Joint Resolution(s) No(s). 690 and 711; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
April 23, 1992

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 602, 1677, 1719, 1812, 1897, 1976, 2030, 2107, 2183, 2295, 2443, 2604, 2606, 2755 and 2839; also, House Joint Resolution(s) No(s). 569, 598, 611, 612, 613, 614, 617, 618, 619, 621, 623, 625, 634, 635, 641 and 656; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS
April 23, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 210, 211, 212, 213, 214, 215, 216 and 217; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
April 23, 1992

The Speaker announced that he had signed the following: House Resolution(s) No(s). 210, 211, 212, 213, 214, 215, 216 and 217.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

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Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 10:00 a.m., Tuesday, April 28, 1992.